HUMAN RIGHTS IN THE CAPITALIST WORLD

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Introduction

The principles of an all-embracing system of international security and the program for the complete elimination of nuclear weapons by the end of this century which have been put forward by the Soviet Union, as well as the concrete initiatives of the USSR in this area, are seen in the world as important steps towards preventing a nuclear war, which poses a threat to mankind. The Soviet proposals pave the way for a world devoid of wars and armaments, meet the interests of all nations, contribute to the observance of the basic human rights throughout the world.

The unprecedented arms race unleashed by imperialism leads to the direct infringement upon those rights. Mass involvement in the antiapartheid, antiracist movement, in the struggle against every form of neo-colonialism has become a sign of the times.

The ruling circles of monopoly capitalism are subjecting participants in the national liberation movement and fighters for peace to mass suppression. The practice of racism and racial discrimination has acquired hideous forms, unlawful even according to bourgeois legislation.

This pamphlet cites numerous examples of the abuse of human rights and the repressive measures used in the constitutional, judicial and police practice in capitalist countries.

I. REPRESSION OF THE ANTIWAR MOVEMENT

The movement for peace, against the nuclear arms race, against the aggressive plans of imperialism, has brought together many millions of people, representatives of various political parties, non-party members, people of different ages, professions and views.

The aggressive circles in the capitalist countries see the peace movement as a powerful social force that is opposed to them. This is why the imperialist reactionaries are trying to paralyze the antiwar movement, to sow dissent within its ranks, to intimidate the democratic public, and to prevent the unity of the fighters for peace throughout the world from becoming stronger. For this they are making extensive use of the administrative and bureaucratic machinery, the judicial and police institutions, as well as other methods of persecuting activists in the peace movement.

Manifestations of the repression of the antiwar movement include the issuance of new undemocratic laws and legal acts and the adoption of administrative and judicial decisions which have made it legal to break up antiwar demonstrations and possible to pronounce gatherings of peace activists illegal, to bring criminal charges against them.

The practice of substituting statutory law with the decisions of executive authorities plays a major role in

the system of suppression and reprisals. This makes it possible for the U.S. administration, for example, to bypass Congress and the existing statutory norms as it intensifies the attack on the rights and freedoms of peace supporters. In this broad use is made of the state machinery, the police, the army and secret services.

During the early stages of the antiwar movement, the reactionary circles in the West tried to surround peace activists with a "wall of silence". When it became apparent that instead of dissappearing, the peace camps and peace vigils which had been set up near the U.S. missile bases in Comiso (Italy), Greenham Common and Molesworth (Britain), Woensdrecht (the Netherlands), Mutlangen (West Germany) and elsewhere, were gaining strength and growing in numbers, a broad propaganda campaign was launched, which was accompanied by sweeping punitive sanctions against the peace activists.

Participants in the antiwar movement began to be depicted as "political terrorists acting on orders from Moscow".

This ridiculous accusation was made in order to justify the repression.

The attempts to pass off the antiwar activists as "political terrorists" have failed miserably. The peace movement continues to gain strength in West Germany, Britain, Belgium, Italy, Denmark, the Netherlands and other countries. Even in the United States, where any peace initiative meets with the severe disapproval of the authorities, the ranks of peace activists are steadily growing. The number of antiwar organizations in the country grew from 1,350 in 1984 to 5,700 in 1986. Having realized the fallacy of the "psychological attack" on peace activists, West European governments and the U.S. government have recently tightened sanctions against such people, using open terror and reprisals. Army units are being employed with increasing frequency to break up demonstrations. Directives are being elaborated by NATO military staffs on how army units can be used against peace demonstrators.

When President Reagan entered the White House, a

Special Subcommittee on Security and Terrorism, headed by the extreme rightist Jeremiah Denton, was set up under the Senate Judiciary Committee. In its aims and *modus operandi*, the subcommittee resembles the notorious Un-American Activities Committee, associated with the name of the die-hard anti-Communist Joe McCarthy. The main emphasis in the Denton subcommittee is placed on the identification and subsequent persecution of antiwar activists.

In an attempt to suppress the movement against the nuclear arms race, the Reagan administration is doing everything possible to keep the bodies of suppression beyond the control of Congress and to give these bodies a free hand in dealing with peace activists. Between 1984 and 1985 many of the restrictions on FBI and CIA activities that were introduced by the Supreme Court back in the 1970s were lifted. Congress and the President himself endorsed a number of decrees and directives which gave special authority to the secret services and to the police in suppressing civil rights and freedoms.

In 1984 the Supreme Court of the United States legalized the expulsion from the country of "undesirable" immigrants seeking political asylum in the country. Later the Supreme Court ruled that the police can interrogate a person held in custody without advising him that he has the right to legal defense.

In July 1984 the Supreme Court abolished the "exclusionary rule" that had been used in criminal proceedings in the U.S. until then. This rule forbade the use of evidence obtained by the police by unlawful means during court examinations. Since then, with the sanction of the Supreme Court, it is allowed to use such evidence under the "good faith" exception, i.e., when overzealous police officers in charge of an investigation are unaware of the unlawfulness of their actions. Many lawyers in the U.S.A. have noted that the new application of the "exclusionary rule" opens up wide possibilities for arbitrary actions on the part of the police, who has always victimized citizens found politically undesirable.

The reference to the "good faith" exception grants the

police and secret services in the U.S. virtually unlimited freedom in the methods they use, which range from unauthorized searches, arrests and other investigation methods to the unlawful tapping of telephone conversations and electronic spying on peace activists. Personal letters are being opened, the "politically unreliable" are being placed under secret surveillance, and undercover agents and informers are being infiltrated into antiwar and "leftist" organizations.

At present, spying and the gathering of data on Americans are being conducted by a broad range of organizations: from the CIA and FBI to the U.S. Census Bureau and the Immigration and Naturalization Service. The computer memory of 97 federal institutions contains about 4 billion personal files on the country's citizens—an average of 20 for every American.

The CIA keeps a watchful eye on the activities of such legal and entirely peaceful organizations as the U.S. Peace Council, Mobilization for Survival, Physicians for Social Responsibility and many others. The FBI is engaged in numerous investigations into the activities of pacifist groups and employs a network of paid agents to watch those groups. The Pentagon actively assists the police in suppressing pacifists. Naval counter-intelligence, for example, has managed to infiltrate a stool pigeon into the "Livermore Action Group". His denunciations resulted in the arrest of many activists. In 1985 it surfaced that the Los Angeles police alone have been closely following the activities of 50 antiwar organizations in California in recent years. Moreover, the police have been sharing information with the ultra-reactionary "John Birch Society" and with the managements of California corporations and banks; this has enabled the owners to practice economic sanctions against pacifist organizations and their members on a broad scale.

When speaking of the drift towards the increasingly punitive trend of the U.S. state machinery, one should point out the principle of "elastic legality" inherent in the American judicial system, which the present administration is taking advantage of.

Although the constitutional law formally remains unchanged, the repressive character of the existing judicial norms has augmented substantially under the Reagan administration. As a result the biased treatment of certain categories of citizens undesirable to the administration, especially of progressive leaders and peace supporters, has become more widespread.

The methods of limiting the constitutional rights of peace activists, contained in the statutes pertaining to the rules of conduct for demonstrators and the police, can be illustrated by examining the norms established in federal criminal codes.

The formal right to conduct demonstrations, meetings and marches, including antiwar ones, is in fact annulled by a series of statutory norms, such as the rules contained in Chapter 12, §231, U.S. Code, concerning "civil disorder". This very fluid category of actions, covers all public disturbances, including violent actions by an assemblage of several persons which creates a clear and present danger or causes bodily injury or damage to property. Furthermore, the term "violent actions" can be applied to any kind of disobedience or resistance to the police (disobeying an emergency public order to disperse, actions in response to resistance-provoking conduct of the police—tactics which, incidentally, are frequently employed to break up antiwar demonstrations, etc.). Thus the punitive organs can make any action, even a most harmless one, liable under the law.

For the purposes of applying legal and police pressure on peace activists wide use is made of the judicial norms contained in Chapter 73, §1507, which establish liability for violation of the picketing and marching rules, of the rules in Chapter 102, §2101, 2102, establishing liability for "inciting a riot", and of a range of other legal norms restricting the rights of peace demonstrators.

Alongside federal laws, the statutes of individual states establish criminal liability for creating a disturbance and are broadly employed against persons protesting against the war threat. The most common forms of liability for such actions are pecuniary fines (up to

$ 10,000, as a rule) and imprisonment (up to 5 years, on the average).

Peace activists are subject to arrest and judicial persecution. Here are just a few facts. As is known, Geneva and Reykjavik meetings between the General Secretary of the CPSU Central Committee Mikhail Gorbachev and President Ronald Reagan of the United States gave a new impetus to the worldwide antiwar movement. Immediately after the Geneva summit, the American Nuclear Weapon Freeze Campaign organization advanced an all-national program of action aimed at impelling the administration to take heed of the important disarmament initiatives put forward by the USSR. One of the items on the program was the picketing of the nuclear testing site in Nevada, where more than 20 nuclear explosions had been conducted since August 6, 1985. The authorities responded by bringing in the police: over 40 people were arrested and more than 100 antinuclear protesters were charged with the alleged "violation of regulations restricting access to property under government control".

Late in December 1985 nine activists in the American peace movement, participants of a peaceful demonstration who were calling on the U.S. government to halt immediately underground nuclear explosions and join the Soviet moratorium on nuclear testing, were arrested near the fence of the White House.

Standard charges on the "breach of public peace" were made against eleven persons, organizers of a demonstration against nuclear testing, in a court hearing held in Newport Beach (California) on February 6, 1986. The court divested them of the right to conduct public activities for one year.

On March 28, 1986, peace activists, members of the Ploughshares organization, conducted actions of protest near the launching sites of Minuteman-2 ICBMs, in the vicinity of the Whiteman U.S. Air Force base in Missouri. In November 1984 five Ploughshares members repeated an antiwar action similar to that of the "Kansas Four". It is worth mentioning that following an eight-month investigation the activists received severe sentences: an

eight-year, a ten-year and two 18-year prison terms (Helen Woodson, the mother of seven adopted children, received one of the 18-year prison terms. Her sentence was recently "commuted" to 12 years). In May 1986 the authorities arrested five antiwar demonstrators who had entered the territory of the nuclear testing site in Nevada in protest at the administration's refusal to halt underground nuclear explosions. In the course of another trial in Quonset Point, which went on for about a year, six pacifists were pronounced guilty of "trespassing to property" for participating in a peace demonstration. They received a 3-year prison term (including 2 years of suspended sentence) and a large pecuniary fine.

On June 4, 1986 army units and police rampaged through a peace camp located at the entrance to the nuclear testing site in Nevada. The police, who were armed with weapons, arrested 150 peaceful demonstrators who were calling on Washington to make a positive response to the Soviet initiative for a mutual moratorium on nuclear explosions.

A mass antinuclear demonstration was held in June 1986 in Bangor, Maine, near a nuclear submarine base. Its participants blocked the passage of a train which was delivering nuclear missile engines to the base. For several years in a row now the pacifist organization Ground Zero has been conducting similar actions. As usual, the participants in the Bangor demonstration were dispersed by the police and eleven persons were arrested.

According to the American Peace Test organization, from late May to early June, 1986 alone over 300 people were arrested during the mass protest demonstrations held near the Nevada nuclear testing site.

The Ploughshares organization, which has organized more than 20 protest actions, has reported that virtually all its members have been pronounced guilty several times of criminal offenses due to their antiwar activities. Fifty-five of them have served prison terms of varying lengths, while another 30 activists are presently behind bars, serving terms of two to 18 years. They have gone through a total of 15 trials, all of which ended in

conviction (five verdicts are now being reviewed by a court of appeal).

According to the John House Organization, over 5,000 Americans involved in the peace and disarmament movement are arrested in the United States every year. Many of these people are behind bars; a representative of the Orlando Eight Solidarity Committee says that between 60 and 70 antiwar activists are presently serving time in U.S. federal prisons. All of these people are political prisoners.

The obvious groundlessness of the charges made against peace activists and the verdicts brought down on them testify that the administration and the judicial system resort to gross violations of the principles of their own legal system. The examples of open arbitrary rule on the part of judicial authorities, of the inconsistency between the punishment and the "guilt" of peace activists, are so glaring that they need little comment.

The legislation for the "prevention of terrorism" is used broadly in the West against peace activists. This involves the use of the threat of terrorism as a formal pretext for placing under arrest and persecuting peace activists and for banning the activities of legally established organizations. The Suppression of Terrorism Bill, currently being examined in the U.S. Congress, will create a legal basis for the practice of carrying out criminal prosecution of those who actively oppose the militaristic course and will open up still greater possibilities for such criminal prosecution. The judiciary is already headed in that direction. In the summer of 1985 R. Miller, an American antiwar activist who has participated in numerous peace actions, was detained during an antiwar demonstration on the fabricated charge of attempting to commit a terrorist act. In fact, he was "guilty" of having put up a poster protesting the production of weapons of mass destruction at the gate of the Pantex nuclear weapons factory. The lack of grounds for Miller's arrest and his subsequent trial evoked widespread protest among the American public. He was nevertheless sentenced to a 4-year prison term and is currently serving this sentence in the Amarillo Prison, Texas.

During his trial, Miller himself described the essence of

the practice of using "antiterrorist legislation" for the purposes of persecuting members of the antiwar movement. Terrorism charges, he said, should be brought against the American administration. Relying upon crude force in international relations, threatening to use weapons of mass destruction in order to achieve its egoistic aims, it is the most dangerous terrorist in the world.

Alongside the standard terrorism charges, other, equally false, grounds are used by authorities in persecuting peace supporters. Thus, the members of the so-called "Rhode Island Five" J.Hollyday, L.Skiff, W.Boston, J.Pendlton and Fr.Panopulos were arrested for holding an antinuclear demonstration on the premises of a General Dynamics factory. The members of the group were pronounced guilty of "causing serious damage to private property". Their trial dragged on for over a year. It has become common practice in legal proceedings to drag out trials whenever peace activists are involved. The trial of the "Orlando Eight", indicted for taking part in a demonstration protesting against the arms race, testifies to this. They staged a non-violent protest on the premises of the Martin-Marietta corporation (Florida), a manufacturer of Pershing-2 components, against the production and deployment of new American missiles. The legal pretext for their arrest was the pacifists' act of "trespassing to private property", "causing criminal damage", "break-in", and "criminal conspiracy". The early stages of the "marathon trial" of the "Eight" promised a quick conclusion: in the spring of 1981, the court reached a verdict of guilty, sentencing the "Eight" to prison terms of various lengths. The trial was conducted behind closed doors: public representatives, including several witnesses for the defense, were simply not admitted into the courtroom. But the obvious violation of basic judicial norms evoked such a big protest from the general public that Pennsylvania's Court of Appeal was compelled to acquit the accused and reach a verdict of not guilty. The unfair sentences were overturned. Nonetheless, in November 1985 the Supreme Court of the state, reviewing the verdicts reached four and a half

years earlier, pronounced the original judicial decision correct.

As regards the juridical grounds for the arbitrary actions of courts and the police against peace activists in Britain, the archaic judicial system in the United Kingdom should be taken into account. The Act of 1714, for example, which is still in effect in the country and according to which an "illegal" and "disorderly" meeting involving more than 12 persons is classified as a mutiny, grants the authorities grounds for issuing orders to use arms for suppressing such meetings.

The restriction of the rights of antiwar movement participants to express their views, to travel and to hold meetings is carried out through the application by judicial authorities of the Peace Preservation Act and the Seditious Meetings Act of 1817. For example, these acts were used as the legal grounds for the arbitrary actions of judicial authorities and the police against participants in the mass antiwar movement who had set up a tent camp near the U.S. military base at Greenham Common. Charges of "contempt of the Constitution", "illegal gatherings", "breach of public order" make up the traditional arsenal of the judicial and police authorities which is used against members of the antiwar movement. An example here is the verdict passed by the Newbury (Berkshire) magistrate's court sentencing 11 women peace activists to 14 days in prison for "breach of public order".

There appeared in the British press a short while ago articles describing the methods employed by the state service responsible for surveilling telephone conversations and correspondences. The existing legislation provides the authorities with broad possibilities of taking arbitrary action in this area. Relevant statutes, such as the Telegraph Act of 1868, the Post Office Acts of 1953 and 1969, give the police the right, with the sanction of the Home Secretary, to control telephone and postal communications. Particularly, this applies to the collecting of evidence against peace movement activists and other progressive leaders along the lines of criminal and extra-judicial persecution. Special police units collect

political evidence, which is later used against peaceful protesters by the MI 5 intelligence section and the police.

The number of employees at the special police departments has grown fourfold over the past ten years. At present there are about 2,000 officers keeping over 1,250,000 personal files on private citizens. The overwhelming majority of the latter are participants in the antiwar movement. These people are in danger of being charged with "subversive activities". The police keeps another 850,000 people under secret observation, while there are 20,000 personal files on activists in antiwar groups who are to be promptly arrested, should the "need" arise.

The British security organs make wide use of unlawful methods of obtaining evidence for the criminal persecution of peace activists. Lost in oblivion is the principle forbidding the police to enter unauthorized into private premises without the proper warrant and the consent of the owner.

It should be recalled that the inviolability of the person and the home were proclaimed in the Parliament acts passed at the time of the bourgeois revolution—the Habeas Corpus Act of 1679 and the Bill of Rights of 1689. Contemporary British law, however, is headed toward a revision of its principles and institutions which contradict the interests of the ruling conservative circles. The Police Powers and Criminal Evidence Act passed on January 1, 1986 can serve as an example here. This Act broadens the rights of the police and eliminates the juridical and legal guarantees against arbitrary decisions.

The British police also make wide use of the stipulations that are worked out in judicial practice, such as those on instances of "substantiated suspicion of committing an offense", or of "breach of public safety and order".

In the persecution of British peace activists use is also made of emergency legislation. This enables the bodies of suppression to violate basic human rights, such as the inviolability of the person and the home, the confidentiality of correspondence, the presumption of innocence,

etc. The Labour weekly *Tribune* revealed in the summer of 1984 that the leadership of the largest British-based antiwar organization, the Campaign for Nuclear Disarmament, had more than once discovered that their phones had been tapped—a glaring example of violation of the confidentiality of telephone conversations. Moreover, smear campaigns have been conducted against leaders and activists in the antiwar movement through the reactionary press and other channels in which these people have been depicted as "foreign intelligence agents". For example, secret services labelled as "illegal" the publications of Duncan Campbell, a British author, in which he analyzed the serious consequences of the arms race, detrimental to the country's national interests. In violation of the laws on the inviolability of the person and the home, the police searched Campbell apartment and confiscated certain informative materials. The papers were, however, returned to their owner—the zealous authorities could find nothing incriminating in them.

The British authorities also make use of the Prevention of Terrorism Act of 1978. It defines terrorist activities in such a vague way that this term can be applied to any activities undesirable from the point of view of the government. A person may be detained on mere suspicion. Army and police units are being employed in Britain with increasing frequency for suppressing peaceful protests staged by women. A glaring example of this is the repression by British security forces of the women at the peace camp at Greenham Common. Thousands upon thousands of women working for peace have been arrested here over the several years of the campaign protesting against missiles. According to the weekly *New Statesman*, most of the arrests have been made under the pretext of safeguarding public order. The government of Margaret Thatcher has passed a decree classifying the trespassing of military base property as a criminal offence. On the basis of this decree the police were able more than to double the number of detained and arrested women. The future destiny of female protesters grabbed by the police and brought to police

stations is often determined by a court of law. Furthermore, they are tried according to the so-called summary jurisdiction, i.e., according to a simplified courtroom procedure, in which sessions are conducted by a single judge or by justices of the peace, most of whom have had no legal training. There is, moreover, no jury.

The practice of using a simplified courtroom procedure in handling the cases involving female protesters from Greenham Common also has a political aim—to deprive these women of the opportunity of explaining to a jury the motives for their actions. They normally get a prison term ranging from seven days to five months or are fined. Those who refuse to pay the fine are sent to jail. The female activists at the Greenham Common camp are being photographed by candid cameras, while their personal data are being put on special files.

A double standard can also be seen in the functioning of the judicial machinery and the system of justice. For instance, it is legal in the eyes of the authorities for National Front neo-fascists to march through British cities wearing arm bands with swastikas and advertizing fascism—which is unlawful according to the existing norms and principles of international law. Meanwhile, on Hiroshima Day activists in the Campaign for Nuclear Disarmament had only just begun to draw in chalk contours of the victims of the Hiroshima and Nagasaki atomic bombings when the police came in to put an end to their activities. The antinuclear activists were arrested and escorted to police stations, where juridically inconsistent charges of causing "serious damage to private property" were brought against them. In February 1985, five participants in a demonstration staged in front of the British Ministry of Defence against the deployment of new American missiles on the British Isles were sentenced to three months in prison. In April 1986 a prison term was given to Ann Franey, whose release is being ardently demanded by human rights activists in Britain. In May of the same year, Catherine Crip, a judge, was fired from her post for her antiwar views, while in July 1986 68 people were arrested at Salisbury Plain for

taking part in demonstrations against the deployment of American missiles. On December 30, 1985 ten peace activists were arrested near a military complex in the town of Burghfield for taking part in a mass demonstration protesting the military policy of Margaret Thatcher's Cabinet.

A number of laws have been passed in Britain of late directed against the antiwar movement and other forms of public protest. It is now permitted to stop and frisk any citizen on the street, to interrogate him, to take his fingerprints, and to hold him in custody for 96 hours without presenting any charges. Another law has given the police broader authority in searching private dwellings and offices.

Participants in the antiwar movement in Federal Germany, protesting not only the deployment of American missiles in the country, but also the military manoeuvres conducted there on a regular basis, are being severely repressed.

Peace supporters in the country express their protest in the form of demonstrations, protest marches, antiwar rallies, picketing of military bases and so forth. Vigilance shifts and peace camps are also popular forms of protest. Thus, four such camps have recently been set up in Hesse, where there are several American military bases.

The West German statutory system for regulating the rights and freedoms of citizens contains many loopholes for limiting these rights and freedoms. For example, in accordance with Article 18 of the Constitution, anyone using his rights to the detriment of "free democratic order" is to be divested of his basic rights. Broad use is also made of "extraordinary legislation" in order to suppress the antiwar movement.

The struggle against this so-called menace threatening "free democratic order" in the country gives the authorities a free hand in summoning the police, the border guard and other administrative bodies to suppress antiwar actions. Furthermore, Article 20 of the Constitution of the FRG, which establishes the right to resistance, is being interpreted by the official law doctrine not as granting the opportunity to resist the unconstitutional,

undemocratic actions of the authorities, but as granting the opportunity to suppress democratic, progressive forces.

Indicative of the conversion of Federal Germany into a "police state" which oppresses dissidents and peace activists is the widespread application of the Law on Assemblies of 1953; the 1968 Law on Restriction of the Confidentiality of Correspondence, Postal, Telegraph and Telephone Communication; the 1968 Law on Protection against Calamity; the 1972 Decree on Radicals; certain norms of the country's Criminal Code, such as §125, which establishes liability for "breach of public peace", and so forth. Peculiar to Federal Germany is the extension of the legislation and legal practice of the so-called *Berutsverbot*, or job bans, on persons involved in antiwar activities. This practice has become particularly widespread in the suppression of the democratic and antiwar movement since the end of 1983, when new American missiles began to be deployed in the country. Thus, a decree was passed in Northern Rhein-Westphalia prohibiting participation in "actions for peace". A system of disciplinary measures was introduced in Baden-Württemberg, which goes as far as providing for job dismissals, a measure to be applied to persons taking part in organizing boycotts, strikes, demonstrations and other actions directed against the deployment of American missiles.

Baden-Württemberg is one of the federal lands where the police forces assigned to breaking up demonstrations "receive" their salaries from the demonstrators themselves. The government of the Land passed a decree in 1982 according to which the size of a fine is determined as follows: the number of policemen multiplied by 38 Deutsche Marks per hour of duty, this to be divided by the number of demonstrators apprehended. The fines collected according to this scheme have turned out to be quite heavy. In 1985 two eminent professors at Tübinger University were brought to trial for staging a protest against the deployment of American Pershing-2 missiles at a base in Schwäbisch-Gmünd, near Stuttgart. Professor of Theology Norbert Greinacher was sen-

tenced to 20 days in prison or a 2,600 DM fine for having taken part in a peaceful blockade of the American military base at Mutlangen. Professor Walter Jens got a 20-day prison term or a 3,000 DM fine for a similar "offence". In all, over 1,000 persons have been indicted for antiwar actions at Mutlangen. The West German press has reported that all the participants in the American military base blockade at Mutlangen have files in the archives of the Department for Safeguarding the Constitution of Baden-Württemberg. These files are kept in the section of the archives entitled "Traitors, spies and terrorists".

Various definitions of criminal offences, such as treason, sabotage, treachery, compulsion, membership of subversive organizations, etc., have been formulated and put into general use, all of which are to be used for persecuting peace activists. As regards the criminal persecution of peace activists in Federal Germany, several speakers at the 9th congress of West German criminal lawyers emphasized that this persecution has been intensified. It was stressed that while in the 1950s the courts focused their attention on the nature of an offence as the basis for a judicial decision, today this practice has become nothing but a formality.

The widespread practice in West Germany of equating demonstrations, sit-ins and blockades with acts specified in § 240 of the country's Criminal Code as "violence" leads to a serious violation of the basic constitutional rights and freedoms of citizens. For example, Gizela Sprenger-Schoh, a member of the German Communist Party and an activist of the antiwar movement, was indicted for "pressurizing the authorities". She faced charges of having joined other peace fighters in blocking the driveways to the Stuttgart-based headquarters of the American Armed Forces in Western Europe. This action was staged by peace supporters in order to show their resolute protest against the conversion of the country's territory into a launching site for American first-strike nuclear missiles.

This protest action was severely suppressed by the police: 293 participants were arrested and presented with criminal charges.

Some 380,000 people took part in 300 demonstrations during the spring marches for peace in 1986. The routes of several marches converged in the community of Wackersdorf, not far from the Czechoslovakian border. It was there that against the will of the local population the federal government decided to build a plant for reprocessing spent nuclear fuel and manufacturing various components of nuclear weapons. Eleven thousand policemen armed with 40 water cannon were brought in to disperse the Wackersdorf marches. The police provoked the peaceful demonstrators into clashing with their forces in order to be able to use violence "in response". Numerous searches and crackdowns on the homes of activists in the movement served the same purpose. The 100,000-strong crowd of demonstrators which gathered at Wackersdorf failed, however, to respond to the incitement. This was one of the most powerful demonstrations held along the lines of the spring marches for peace in Federal Germany.

Herbert Bastian, a former Bundeswehr general, an opponent of the deployment of American missiles in his country, has received widespread publicity. Accused of "treason" and breach of army discipline by the Bundeswehr command, he was compelled to resign from his position three years ago. Quite recently the general became subject to direct prosecution for his antinuclear activities. Together with hundreds of other West Germans, he took part in the blocking of a highway leading to an airfield at Bittburg, where American nuclear missiles were to be delivered. Armed police units were brought in to put down the demonstration. Dozens upon dozens of peace champions, among them the "rebellious" general, were arrested.

In an attempt to intimidate the participants of antiwar actions with judicial reprisals, the authorities opened up a criminal investigation on them. And Bastian is now being tried.

Judicial bodies classify participation in peace demonstrations and the struggle for peace and disarmament in general as criminal offences. After long delays, the federal constitutional court at Karlsruhe started hear-

ing a case, unprecedented in the history of Federal Germany, on the rehabilitation of 1,300 "criminals"—participants in numerous antiwar demonstrations.

Alongside the police, the border guard is being used with increasing frequency in the country for suppressing the demonstrations peace activists are staging against the nuclear-missile buildup.

As in other capitalist countries, the West German police send in agents to march with the demonstrators and provoke them to clash with the "custodians of the law".

The same unseemly role is played by the Federal Department for Safeguarding the Constitution. For example in Bavaria it organized a series of provocations (mainly, it planted bombs in cultural and government institutions) and instigated violence during peaceful demonstrations. Later, the instances of violence became excuses for reprisals on democratic and antiwar leaders.

It would be appropriate at this point to recall a provocation that was organized in Holland. An employee of the U.S. National Security Agency, John Gardiner, got into a peace camp surrounding the Woensdrecht Air Force base by pretending to be a peace activist and planted bombs and explosives there. Luckily, the campers found the hidden explosives and called the police. It is easy to imagine what kind of a smear campaign and crackdown measures the police and authorities would have come up with had the provocation been a success.

Operations against peace activists are becoming increasingly international. They are being thought up and carried out not only by the police departments and secret services of individual states, but are also being coordinated by the NATO military staffs. Prior to the deployment of American missiles in Western Europe, the military base guards received secret instructions that, if necessary, they were to use firearms against demonstrators. During war games on the territory of Hesse, West Germany, U.S. troops rehearsed the operation of "exposing the saboteurs in the local population".

The internationalization of reprisals against and suppression of antiwar movements by Western governments

is accompanied by the constant violation of the national sovereignty of other countries and gross interference in their internal affairs.

The incident involving the vessel *Rainbow Warrior*, the property of the ecological antinuclear organization "Greenpeace", was an act of international terrorism. On July 10, 1985 agents of the French Foreign Security General Directorate carried out a terrorist operation in the port of Auckland (New Zealand), resulting in the death of F. Pereira, a protester against French nuclear testing on the Mururoa Atoll in French Polynesia. According to the plans of the reactionary forces, the destruction of a peaceful ship and the killing of a crew member was to be a warning to all peace activists, particularly in that region, where nuclear-armed ships have been prohibited from entering by a decision of New Zealand's government. Another "Greenpeace" action that was carried out in late 1986 in the nuclear test area can be regarded as the peace activists' response to the threats of the reactionaries.

An example of international coordination in suppressing the antiwar movement is the decision of the Honduran authorities who were acting on Washington's orders to close the country's borders to participants in the International March for Peace in Central America. The same stance was assumed by the reactionary regime in El Salvador which refused entry to a peaceful demonstration of activists from antiwar organizations in America and Western Europe.

But the repression, terror, blackmail and provocations which the reactionary circles of Western countries resort to in their battle against peace activists cannot intimidate the vast masses of people of goodwill throughout the world or compel them to abandon their struggle for the survival and future of mankind. The unprecedented "outburst of peace action", which involved nearly 5 million people in different cities of Western Europe and North America taking part in mass protests against war, testifies to this. This "outburst" concluded the international struggle for peace in 1986, the International Year of Peace.

II. PERSECUTION OF STRIKERS

In an attempt to prove that class struggles have given way to "cooperation between labour and capital", the proponents of capitalism try to promote the idea of "social partnership" among the working class. By this they seek to get the working class to give up its cause so that "social peace", free exploitation of labour and the inviolability of private property might be ensured. Trade unions, which work to assert workers' rights, are the main obstacle to this. Not surprisingly, the ruling circles and Big Business are waging a fierce offensive against trade unions.

In an attempt to discredit trade unions, the bourgeois ideologists claim that the activities aimed at defending workers' rights hinder scientific and technological progress and impede the modernization of the economy. It is also claimed that if a person fights to preserve the level of wages and other social gains he is a "grave-digger" of his job, an "enemy" of economic and political freedoms, and so forth. By making these false allegations, the conservative bourgeois ideologists are trying to justify the limitations of the basic socio-economic rights of the working people—the right to work, the right to strike, and the right to social insurance, whose protection is the main duty of trade unions.

Laws are being enacted that are aimed at weakening

the union movement (such as the Taft-Hartley Act and the Landrum-Griffin Act in the United States and the Trade Union Act in Britain) as well as laws aimed at luring trade unions into various forms of collaboration with employers, and integrating the unions into the system of state-monopoly capitalism. The practice of making no-strike union deals with employers, as well as collective bargaining agreements prohibiting unions from engaging in political activity at factories, etc., have become widespread.

"The Reagan administration has waged an intense war against the labor movement—from the summer of 1981... Labor is the major target because its strength and objectives are key to sustaining the living standards of all working people, minorities, senior citizens and others", writes George Morris in his article "Reagan Confronts Labor" (*Political Affairs*, May, 1985).

The Reagan administration and the judicial authorities make wide use of antilabor, antistrike legislation. Particularly reactionary are the laws on the "right to work" that are effective in 20 states. These prohibit "closed-shop unions" (i.e. compulsory union membership for all the employees of an enterprise), aimed at ensuring that union members have priority in receiving jobs. The possibilities of staging a trade union boycott of companies pursuing antiunion policies and of picketing are severely limited. In the majority of the southern states where these laws have been enacted, only between seven and ten per cent of the hired labor are union members. Taking advantage of the repressive legislation, the U.S. administration imposed a ban on a railway workers' strike scheduled for August 31, 1985. In an attempt to undermine the right to strike and to deprive the unions of their leaders, the authorities are tightening sanctions against strike organizers and union activists. In Chicago in 1985 Joe Romano, President of the United Steelworkers of America, was given a prison term and a large fine for "violating" picketing rules. A court verdict put the entire leadership of the Rhode Island teachers' union behind bars. The same fate awaited 39 participants in a picket, employees of Pan-American World

Airways, who had gone on strike in a New York airport. At the same time, about 50 striking miners were jailed in West Virginia. Responding to a 22-percent cut in wages, 1,500 employees of the Hormel food-producing corporation went on strike. Sixteen workers, participants of a non-violent picket in front of the corporation's factory in Austin, were arrested and indicted. Using their authority to interpret the Constitution and the law, U.S. courts launched a broad campaign for sanctioning the practice of corporations of canceling deals and collective bargaining agreements with labor unions. To this end, all a company needs to do is declare itself bankrupt, which is often not the case. This enables employers to carry out wage cuts immediately, to cancel collective agreements or even to abolish a union. Employers threaten to go bankrupt so as to impel their employees to make "sacrifices" in order to keep their jobs.

These tricks have been used by Continental Airlines, Eastern Airlines, and the Wheeling Pittsburgh Steel company. Eight and a half million members of the industrial union of steelworkers staged a month-long strike at seven factories of this steel company. The strike was in response to the arbitrary actions the company had taken. The company had declared itself bankrupt, annulled the agreement it had reached with the union, introduced heavy wage cuts and refused to observe the established work norms. These actions were sanctioned by a Supreme Court decision. More and more often the courts are heeding employers' demands and canceling existing agreements on wage scales. The courts claim that maintaining the previous pay rates would undermine the profitability of the enterprise, even if the enterprise is doing quite well at the given moment. Moreover, on July 3, 1986 the Supreme Court ruled that state authorities did not have to accept appeals from union members dismissed from their jobs for having gone on strike or the claims for unemployment benefits made by such persons. This decision also concerns employees who have not taken part in strikes or supported them materially. Thus, employers have "legal" grounds for getting rid of

bothersome workers and employees, in particular of trade union activists. The Supreme Court's adopted ruling is bound to lead to further repression of trade unions.

Using various means of applying pressure and intimidating workers, corporations often, under pain of dismissal, compel workers to vote against the establishment of trade unions at their enterprises. According to the magazine *Political Affairs* (August, 1985), the Reagan administration has come up with the idea of creating "free enterprises zones", where trade union activities and the establishment of trade unions are absolutely forbidden and the introduction of a pay scale is prohibited. These matters are to be under the complete control of the employers, whose power will be unlimited, both on paper and in practice, while union-free enterprises will become "zones of rightlessness".

The U.S. National Labor Relations Board, to which Ronald Reagan has appointed a number of lawyers notorious for their reactionary views, has in one of its 1985 decrees granted employers the right to question their employees for information on the activities and plans of the trade unions. Quite often the Board, for all sorts of reasons, refuses to register trade-union organizations at enterprises, impedes the settlement of industrial disputes and drags out lawsuits for years. The Board, which has the duty to protect the right of working people to unionize, has in recent years been advertizing the idea that collective bargaining allegedly leads to limitations on personal freedoms and the freedom of enterprise. In other words, it has been trying to substantiate the antiunion policy pursued by both monopolies and the state under the slogan of ensuring competitiveness. The U.S. Department of Labor has also turned into an adjunct of Big Business. It is headed by Raymond Donovan, a millionaire who has helped to weaken substantially the ban on children's labor and obscure labor safety criteria. According to George Morris, the National Labor Relations Act is being implemented in the country for the most part without the participation of trade unions. Since early 1985 there have been 2,000 instances of civil rights violations in the

U.S. for which big corporations are to blame; not a single case, however, has been brought before a court of law, nor have trade unions been allowed to intervene.

The result is that the trade union movement in the U.S. has weakened. The unions that engaged in collective bargaining (about 40 percent in 1984 and 1985) were forced to accept either direct cuts or a freeze in wages. On numerous occasions they had to accept the dismissal of some of their activists. Membership in trade unions fell from 22,400,000 in 1980 to 17,300,000 in 1984. The antilabor restraints have also had an impact on the strike movement—strikes have become less frequent in the U.S. during recent years.

In Britain, ever since the Tory government led by Margaret Thatcher came to power, the attack on the rights of British trade unions has been constantly intensifying; union members and leaders are being persecuted by the police, courts and employers. Contrary to Article 8 of the International Covenant on Economic, Social and Cultural Rights, which was ratified by Britain and which stipulates that trade unions are not to be obstructed or limited in their functioning, the rights of British trade unions have for many years now been constantly and systematically subjected to legal restraints.

The government of Margaret Thatcher has gotten three laws through Parliament which are aimed at undermining the workers' movement and the rights of trade unions. Traditionally, the workers' movement in Britain is strong in terms of its solidarity. According to the Employment Act of 1980, all kinds of solidarity actions are prohibited. Trade unions may be subject to prosecution for organizing and taking part in solidarity actions. The traditional British right to picket is strictly regulated. Many provisions of the 1980 Act are directed against strikes, solidarity boycotts and pickets. During that same year these provisions were supplemented by a "picketing code" restricting the number of persons in a picket to six and sanctioning the use of repressive measures by local authorities if this code is not observed.

The 1982 Employment Act, which introduced the notion of an "official strike", made reactionary changes in the right to go on strike. According to the new interpretation, an industrial dispute can take place only between workers and direct employers, while the issue to be argued can only be the terms of payment and working conditions. All other conflicts are regarded as illegal, and an employer is thus entitled to claim compensation for a breach of contract in the event of such conflicts.

This restriction rules out the possibility of staging a strike against major nationwide endeavors, such as the denationalization of industries, the introduction of a "ceiling" on wages, as well as the possibility of taking any other action that goes beyond the confines of a particular enterprise.

Unions can be fined between £10,000 and £250,000 for going on "illegal strikes", while union leaders can find themselves in danger of being sent to prison. According to *The Observer*, employers now have much greater opportunities to bring lawsuits against trade unions since any protest by the unions can be declared illegal.

The Employment Act gives an employer the right to selective dismissal, legalizing this practice that has been existent for decades. The point is that the rights of an individual striker are not covered by British law and any strike participant can now be fired for taking part in a labor dispute. An employer has the right to dismiss those strikers who fail to show up at work on the fifth day after having received an injunction from him. This practice enables employers to get rid of trade union activists.

The government has become increasingly involved in the formation and allocation of trade union funds. The government is therefore able to influence union contributions to the funds of the opposition Labour Party, 77 percent of whose budget is made up of donations from 63 industrial unions holding associate Labour membership.

Under the Trade Union Act of 1984, a decision to go on strike must be voted upon by secret ballot within no less than four weeks before the strike begins. It is

compulsory that the absolute majority of the workers employed at the given enterprise vote in favor of the strike; otherwise the strike will be regarded as "illegal" and the union involved will be penalized, which could even involve the confiscation of its strike fund. Even according to the principles of bourgeois democracy, the Conservatives have introduced unjustifiably tight anti-labor legislation.

Margaret Thatcher's government is aiming to reorganize the economy, which is to be accompanied by the denationalization of many industrial branches and by the sweeping privatization of the public sector. This policy is leading to massive cuts in jobs and social programs, and to limitations on the basic rights and freedoms of the working people. The above-cited legal measures enable the authorities to persecute strikers "breaking the rules", to ban "illegal" strikes, to deny dismissed workers unemployment benefits, to sue trade unions for huge sums, and to subject strikers and trade union activists to arrest and imprisonment.

During the miners' general strike which began March 19, 1984 and ended March 13, 1985, the British government, justice system, and police severely suppressed trade unions and workers. The miners went on strike in opposition to the plans to eliminate an entire industrial branch that had been nationalized in 1947. From the very outset the strike was an act of open political confrontation between the working class and the state-monopoly system of Britain.

In response to the upsurge in the actions against the government on the part of the British working class, the Conservative cabinet put to use the entire arsenal of repressive means at its disposal. Relying on the new reactionary laws, the government formed "emergency" police units. The tactic of making threats and provocations and carrying out persecution led to direct clashes between the police and the strikers. The police themselves incited violence, resorting to physical abuse, plastic bullets and truncheons. Arthur Scargill, the miners' union leader, was clubbed by a policeman until he lost consciousness.

By the end of the year police had arrested 9,778 miners, most of whom were charged with "breach of peace and order". Overloaded with the number of "cases" to be heard, the courts failed to follow the proper procedure. T. Brown, a lawyer for the National Union of Mineworkers who had acted for the defense at many a trial, testified that the basic legal guarantees were being breached in the course of the strikers' trials. Gerald Kaufman, a Labor M. P., accused the Thatcher government of using dictatorial methods in order to break up the strike. In a speech in Parliament he pointed to the violation of many of the strikers' elementary rights and freedoms: mineworkers were arrested in snack-bars, had their fingerprints taken, and were then held in custody for several hours. When they were finally released, they did not even get an apology. The miners were interrogated as to their political views, about the newspapers they read, and the political parties they vote for. The practice of tapping strikers' phone conversations was widespread.

Citizens' freedom of movement was restricted during the strike. Police would often stop people on the roads, interrogate them, turn them back or arrest them. In the first 27 weeks of the strike 164,508 alleged participants in pickets were denied entry into the county of Nottingham alone. Thus, contrary to the internationally accepted norms on human rights, the practice of restricting freedom of movement became widespread in Britain.

Simultaneously, the authorities used means of financial pressure. Imposing heavy fines on the miners' union and its leaders, the legal authorities sequestrated the union's property and many of its bank accounts, including foreign ones. Having deprived the miners of their strike funds, the authorities tried to starve the strikers into surrender. At the same time, the government spent up to five million pounds a week to pay the police for the "overtime" they put in and to transfer them from one strike area to another. After 12 months of fierce class clashes, the mineworkers were left with no other choice than to give up. They had, however, secured substantial gains: the postponement for an indefinite period of the

mines' closure, the establishment of a bargaining procedure for making such decisions by conference; a ban on overtime work; the retainment of the demand that over 700 workers that had been dismissed during the strike get their jobs back.

The strike's ending, however, did not put an end to the repression. The management at the mines began to make up "blacklists". These included the activists of the general strike who were subject to dismissal.

The entire machinery of the antilabor legislation was put to use by the authorities during the strike that lasted several months of London printers in opposition to the despotism of the newspaper tycoon Rupert Murdoch. Having bought up a number of London newspapers to become the owner of the News International Ltd., Murdoch had written notices sent to 6,500 employees in January 1986 (5,300 of them were technical personnel) warning them that he would not resume their employment contract unless they accepted the new working conditions. Murdoch deliberately presented the printers with unacceptable terms for a collective bargaining agreement: not to go on strike under any circumstances and to give up the "closed shop" principle, i.e. to drop the condition that only trade union members can receive jobs. Murdoch responded to the strike with mass dismissals. He put the antilabor laws to use and immediately brought a claim in court for the purposes of cutting short any attempts by the trade unions to protect the dismissed strikers. Under the existing law, the Society of Graphical and Allied Trades was fined for organizing a picket of solidarity and union funds were sequestrated for the attempts to impede the circulation of Murdoch's newspapers.

Another trade union—the National Graphical Association—was faced with the threat of having its property confiscated for having issued an appeal that the printing of supplements to *The Times* be blocked. To keep his papers going, Murdoch hired several hundred strike-busters and moved his printing presses to Wapping, London. On receiving orders to "protect" Murdoch's complex against the workers' picketing, the

police virtually put that London area into a state of siege: all the streets were patrolled, checkpoints were set up on bridges and near subway stations; passers-by were stopped and asked for their papers. The police resorted to violence in breaking up pickets and dispersing the striking printers. People were clubbed and there were some serious injuries. Mass arrests were made under the pretext of protecting public order during the dispersal of a demonstration in which 11,000 people took part on March 15, 1986.

The suppression of the printers' union strike by the police, the justice system and the government created a situation in which fighting for the right to work by going on strike is persecuted and penalized as a crime. According to Vic Allen, a professor of sociology at the University of Leeds, the conflict between the newspaper tycoon and the printers' trade union, just like the year-long strike of mineworkers, spotlights the very method of regulating social relations in the capitalist world. The introduction of the latest in technology and the benefits of scientific and technological progress serve the interests of the class in whose hands private property is concentrated and hence—economic and political power. Breakthroughs in electronics enable monopolies to abolish entire trades and eliminate thousands upon thousands of jobs. The result is mass unemployment. Allen argues that when the latest technology has this kind of impact it is immoral and antisocial. This can also be seen in the fact that the monopolies, depriving hundreds of thousands of people of the right to work by replacing them with machines, reap fabulous profits; the profits of Murdoch's News International Ltd., for example, reached 200 percent.

At his new printing plant at Wapping Murdoch prohibited trade union activities altogether for one year.

The authorities are increasingly resorting to the practice of banning and disbanding trade unions at factories, including those in the public sector. In 1984, under the pretext of safeguarding "national security interests", the government organized an operation aimed at victimizing the trade union members at the state-owned radio-

electronic centre in Cheltenham. Ten thousand employees were presented with the ultimatum that they must immediately drop out of the union ranks or else they would be dismissed. A special Cabinet decision prohibited all trade-union activities at the centre. In this way the government hoped to prevent an employees' strike, the danger of which had emerged because of plans to give workers "lie detector" tests—an American method.

In an attempt to deprive workers of the opportunity to fight against the arms race and cuts in social spending, the government of Helmut Kohl in Federal Germany has embarked on the path of expanding antilabor legislation and limiting the right to go on strike. Under Clause 3 of Article 9 of the country's Federal Constitution, citizens of all trades have the right to form associations for the purpose of maintaining and improving their working conditions and living standards. Any agreements limiting or hindering the implementation of this right are defined under this Article as invalid and any measures aimed at reaching such agreements as unlawful. Contrary to these constitutional provisions and in violation of the International Covenant on Economic, Social and Cultural Rights, which Federal Germany has ratified, in particular in violation of Article 8 of this Covenant on the freedom of trade unions, on coming to power the government of Helmut Kohl intensified sharply the attack on trade-union rights and imposed further restrictions on the right to go on strike.

Late in 1983 the federal Ministry of the Interior issued a manual on how to keep watch on strike participants. It instructs enterprise managements and the police to make up lists of strikers, especially of their leaders, to keep a file of leaflets, newspaper reports, and statements by eye-witnesses, and to photograph activists. These measures broaden the possibilities of the authorities and employers in attacking directly the right to go on strike.

The latest antilabor action of the West German government serves the same purpose. Under the pretext of maintaining the state's "neutral" role in trade disputes, a law was enacted in March 1986 on the amendment of §116

of the federal labor promotion act. This law radically changes the relationships between employers and employees during a strike, limiting this right of workers which is contained in the majority of Lands' constitutions. Formerly the strikers dismissed as a result of mass lockouts as well as the non-striking workers at the related enterprises brought to a standstill because of the strike received benefits from the social insurance funds made up of monthly contributions from workers' wages. Under the amended law, the payment of such benefits by the state is to be discontinued. Now it is the trade unions rather than the state organs of social insurance that must pay benefits to lockout victims. The amendment is directly aimed against trade unions, which now have direct material responsibility for the consequences of any strike they hold. The class meaning of the new law lies in the objective of "breaking the habit" of trade unions and workers of going on strike. Simultaneously, employers get a free hand in practicing lockouts. Under such circumstances any strike by any trade union becomes an issue of survival, since trade unions lack funds of their own needed to support the strikers and have no access to the contributory unemployment benefit fund.

On March 6, 1986 workers held mass demonstrations in 150 cities of Federal Germany in protest at the government's intention to make further legal encroachments on the workers' rights; over one million people took part in the demonstrations. The Association of German Trade Unions sent a complaint to the International Labor Organization containing detailed information on how the rights of trade unions and workers in the country are being infringed upon by the authorities.

At the same time the West German authorities are planning to ban preventive strikes during collective bargaining negotiations. Under this scenario, it will become legal for employers to respond to trade union demands for higher wages and shorter hours by labeling the preventive strike a trade union solidarity demonstration and locking out the strikers, that is, by dismissing them from their jobs. Thus lockouts will become totally legal

and employers will get yet another effective weapon for attacking trade unions.

One method of persecuting democratic views that is widely practiced by the ruling circles in Federal Germany is the *Berufsverbot* (job bans)—an entirely unconstitutional, discriminatory practice. It concerns primarily the limitation of citizens' constitutional right to a free choice of profession (Cl. 1, Art. 12 of the Constitution) and the free access of every West German to any government job (Cl. 2, Art. 33). Discrimination in employment on political grounds is a direct infringement upon human rights in general and trade-union rights in particular. The ruling circles in Federal Germany make wide use of the *Berufsverbot* in order to limit the right of workers to go on strike, as well as the rights of trade unions and the scope of their activities. The practice of job bans puts the questions of employment and dismissal entirely into the hands of employers, who ignore the opinion of trade unions and do not seek their approval. The authorities in Federal Germany are therefore violating a number of the existing international conventions, agreements and documents on human rights: the ILO Convention 111 (Art. 1, No. 2 and Art. 4) Concerning Discrimination in Respect of Employment and Occupation, and the European Convention for the Protection of Human Rights and Fundamental Freedoms (Art. 10, 11 and 14), both of which the FRG ratified some time ago.

The World Federation of Trade Unions has lodged a complaint with the ILO against the FRG's government about the practice of political discrimination against trade-union and progressive organizations' activists, which is in violation of the ILO Convention 111. At its 23rd session, the Governing Body of the ILO resolved to set up a commission to examine the *Berufsverbot* practice in the FRG. International solidarity actions have helped strengthen the positions of workers in the FRG in their struggle to abolish job bans.

In France recent years have witnessed an attack by Big Business on the vital interests and rights of the working people. The major battles are taking place around the right to work, as well as around trade-union rights and

freedoms. According to the World Confederation of Labor (WCL), there are about 20,000 cases of abuse of workers' rights and trade-union freedoms in French industries every year. Meanwhile, the government is for all practical purposes tolerating the violations of labor legislation. Eighty per cent of all industrial enterprises do not control the observance of labor legislation, while only three percent of all the officially reported violations become subject to legal examination and less than one percent of those guilty of such violations are penalized; the number of unlawful dismissals in the country is steadily growing.

According to *L'Humanité*, 5,000 trade-union activists were dismissed from French industries during 1983-1984. In 1985, about 10,000 delegates of the Confederation Generale du Travail (CGT) at more than 2,000 enterprises were subjected to various forms of persecution. Of these, 3,000 were laid off and lost their jobs for good. In 1985, Michel Delebarre, former French Minister of Labor, gave the go-ahead for the dismissal of six CGT activists, members of the Communist Party, from the Ducellier enterprise. Over 100 activists were penalized by the management of the state-owned Electricité de France and Gaz de France for taking part in strikes in the spring and autumn of 1985.

Workers fought the close-down of a ball-bearing factory in Ivry-sur-Seine for eight months. The authorities brought in a large police force, which stormed the factory and dispersed and clubbed the workers. The management at a Bata shoe factory dismissed seventeen CGT activists. In January 1986, the court of Toulouse sentenced several CGT activists to various prison terms and fined them heavily for their "crime" of taking part in trade-union activities to uphold the basic rights of the working people. Officially, they were found guilty of "undermining the existing system and public order".

The law passed in June 1986 on the abolition of government control over mass layoffs of workers and employees, limits workers' trade-union rights and their right to work even further. Formerly the government Labor Inspection exercised control over the justification

for every dismissal, although in practice it backed 9 dismissals out of 10, even in the cases of trade-union delegates who cannot, in principle, be dismissed. Today, this barrier has been removed—a reform long-awaited by Big Business.

The abolition of government control over mass dismissals meets the growing demand of the monopolies that all government regulations over their activities be removed and that capital be freed from all forms of control and legal restraint in its relations with workers. Under the conditions of the program being pursued by Jacques Chirac's government of the selling out and privatization of major national enterprises, where about 1,000,000 people are employed, this law provides employers with unlimited authority to carry out mass dismissals.

III. SOCIAL AND LEGAL INEQUALITY

Social inequality in capitalist countries results in citizens being unequal before the law.

Limiting the issue to one of formally proclaiming the equality of rights, bourgeois legislation is unable to ensure real equality for the members of society. Slogans contained in bourgeois constitutions such as "all citizens have equal rights" and "all citizens are equal before the law" are being employed by capitalism and its ideologists to create the illusion of general equality. The formal equality of legal rights is being used by the bourgeoisie to cover up the absence in the capitalist world of genuine social and legal equality among people. As regards the implementation of human rights in the modern capitalist state, it is characterized by discrimination, and infringement and limitations on those rights on various grounds: race, nationality, age, sex, socio-economic status, religious and political beliefs, etc.

Inequality of women's rights and discrimination against them. Based upon exploitation and the pursuit of profits, the bourgeois social system is incapable of solving the problem of equality between men and women. The status of women even in the most industrialized capitalist countries is characterized by infringement upon

their formal equality and by deep-rooted social inequality. This is the way things stand, even though in many of these countries there is a system of laws and other legal acts that imposes a formal ban on discrimination on the grounds of sex, proclaims the equal-pay-for-equal-work principle, and envisages equal opportunities in education, professional training, social security, etc.

In the United States, for instance, the equity pay principle was enacted in 1963 and was later extended to the private sector by the special acts of 1972 and 1974. Under these acts, employers are obliged to pay equal wages for equal work under similar conditions or under conditions demanding similar effort or equal responsibility. The acts stipulate that employers are liable for any violation of these provisions in which case the wage difference for a period of two years is to be paid out to the victim. In the event of "intent discrimination", the compensation payment can be as high as a 3-year difference and in some cases a penalty of up to six months in prison can be brought down. Furthermore, the Civil Rights Act (1964), the Executive Order 11478 (1969) and the Equal Employment Opportunity Act (1972), extend the obligation for equal rights to the private sector, at all levels. Enterprises employing fewer than 15 people are not covered by the law. A ban on sex discrimination in hiring, firing, in working conditions, etc., is also contained in the Civil Rights Act of 1964.

Title 7 of this act and the Executive Order 11246 prohibit the practice of wage discrimination by employers on the grounds of race, sex, religion or ethnic origin. However, as was brought out during a recent U. S. Supreme Court hearing, women are paid 32 percent less than men against the background of the widespread sex segregation of the workforce. "Protective" laws in many states in fact deprive women of the freedom to choose an occupation.

As was noted by the Supreme Court, the Reagan administration is ignoring its duty to monitor the observance of the laws prohibiting wage discrimination on the grounds of race and sex. Since Ronald Reagan

has been in office the Department of Justice, the Equal Employment Opportunity Commission, and the Department of Labor have not brought a single case of discrimination to court.

As long ago as 1981, the Supreme Court of the United States ruled that women must be paid the same wages as men for "comparable work". Early in 1984 the administration questioned this decision, maintaining that it is difficult in most cases to compare work done by women with that done by men. This idea was supported by the government Equal Employment Opportunity Commission, which unanimously decided on July 17, 1985 that it is no longer compulsory under federal law that men and women engaged in occupations of "comparable worth" be paid on equal terms.

According to the May 19, 1984 issue of *The San Francisco Examiner*, 49,000,000 American females are regularly victims of wage discrimination. The earnings of a woman working full time is just barely 60 percent of the average earnings of a man, while the wages of Black and Hispanic females is slightly over one-half of men's wages. Black females are victims of double discrimination—as women and as Blacks. George Edwards, a former federal justice, was forced to admit that "it has taken a long time in this country however for women to be recognized as either 'persons' or 'citizens' in a constitutional and legal sense. And indeed that recognition in Supreme Court case law is still not as complete as it is in the case of Black males".

In the conditions of the widespread and chronic unemployment in the Western countries inequality has a particularly painful impact on the socio-economic status of women. Unemployment spreads more quickly among women than it does among men. Compared with 1973, the number of jobless women in 1984 rose in Italy and the U.S. two times, in France, three times, in Britain and West Germany, eight, and in Denmark, ten times.

Unemployment hits especially hard at young women: in 1982 they accounted for 58 percent of those under the age of 25 who are unemployed in Belgium, for 57.1 percent in France, for 53.5 percent in Italy, for 46 percent

in the FRG, and for 40 percent in Britain. The small rise in economic growth in most industrialized capitalist countries in 1984-1985 did not lead to a drop in unemployment. On the contrary, unemployment continued to rise, having a particularly painful impact on young people, including young women. In 1984 women between the ages of 15 and 24 years accounted for one-third of all unemployed women in France.

In those countries where the law or collective agreements permit the paying of lower wages for young people, employers often deny employment to women over the age of 20 for economic considerations.

In the U.S. and Britain the wages of young women aged 18 to 19 are 20 percent lower than those of male youths of the same age.

The most significant difference in wages can be seen in the age groups of 35 to 39 years. By this age, many men have been promoted to relatively well-paying jobs. Meanwhile, women are usually still at the same job they always had and consequently their salaries remain low.

Laws have been enacted on various occasions in France, including those of 1972 and 1983, establishing equal rights of men and women in matters of employment, above all in matters of hiring, pay equity and promotion. In violation of these provisions, however, women continue to be discriminated against. They are still paid less for equal work. Over the 34 years that the above laws were in force (1950-1984), the gap between men's and women's pay narrowed by only 10 percent, from 36 percent to 26 percent. As Georges Valance and Corinne Lhaïk justly observed in their article "Les Françaises se rebiffent", published in *Le Nouvel Observateur* in December 1985, at the present-day rates Frenchwomen will have to wait another 90 years for the gap to be closed. The same article provides data on the gap between men's and women's pay, reflecting the rates of its narrowing as regards various spheres and levels of occupation. This gap in the percent figures amounted to:

	1980	1984
Top management	29.5	26.2
Middle management	19.3	15.4
Employees	19.0	16.3
Qualified workers	19.1	18.1
Specialized workers	20.8	19.5
Unskilled workers	17.4	16.6
Average	26.7	25.7

The amendments to the Labor and Criminal Codes, which went into effect July 11, 1975 and were aimed at eliminating sex discrimination in hiring procedures, were very ineffective. Although according to Art. 416, Cl. 3, denial of employment on the basis of sex is classified as unlawful, the same Article allows for possible "legal motives" for giving preference to male applicants.

Discrimination against female workers begins at the level of general professional training. This is a consequence of the widespread practice in schools and other secondary educational establishments of differentiating programs. Most programs gear young women towards jobs not demanding high qualifications or responsibility. In Federal Germany, for example, 86 percent of the girls undergoing professional training specialize in only 21 types of jobs out of an available total of 452. This limits their future job opportunities from the outset. The system of upgrading skills is also based on discrimination. It has become an established practice in Federal Germany to send mostly men to courses for upgrading skills. In 1983 only 5.6 percent of all women working in industry were listed as qualified workers, as compared to 58 percent of the men. For the same reasons, this figure for women in the United States was 5 percent. Discrimination against women with a higher education is particularly widespread in Japan: many employers refuse to hire them for high-skilled jobs, leaving them to become housewives, or, at best, to take jobs for which they are overqualified.

Working at home is also a widespread practice. In

Italy, especially in the south, nearly all working women work at home; in Britain the total number of such women in 1980 was between 200,000 to 400,000. Women working at home are the most exploited women in the workforce. They are deprived of many rights and are often not members of a trade union. Their working hours are not limited and they have to accept extremely low pay rates.

Early in the 1980s, the earnings of a woman working at home in France were at least 20 percent lower than those of a woman working in industry and often below the minimum wage level. Although work at home is regulated by law, there are no provisions for overtime pay, paid vacations, partial unemployment benefits, etc. Women working at small, unlicensed enterprises (operating, as they say, under the table) are in a particularly hard position. Women workers at such places are totally deprived of all social rights, get miserable wages and are fully dependent upon the whim of their employers. There is also a big army of women part-time workers. According to the International Labor Office, out of the 9.2 million women workers in the EEC countries 8 million work on a part-time basis. These women are deprived of many rights: they are the first to be fired, they do unskilled work, and their social security opportunities are extremely small. In France, where 95 percent of all part-time workers are women, amendments were introduced by the March 31, 1982 Act providing for full-pay maternity leaves and a number of other benefits. But the sweeping rise in unemployment during these years, particularly among women, led to unprecedented job cuts, above all among part-time workers, and thus the anticipated gains were cut down to a minimum. In Britain, only 50 percent of all women working part-time are entitled to sick-leave benefits and only a few of them are eligible for a pension. Temporary workers suffer because of the instability of their status; these workers are not included into collective agreements and are for all practical purposes deprived of social guarantees, such as severance pay, for example. All these forms of employment are very profitable to employers, since they allow

them to economize on wages, social benefits, safety measures and equipment.

Discrimination against women under capitalism has become a constant and good source of additional profits. The practice in the U.S. of bringing lawsuits against companies and employers shows, albeit not entirely, the size of such profits. *The Wall Street Journal* reported in one of its 1985 issues that the Equal Employment Opportunity Commission had sued three companies for several million dollars that had not been paid to women workers as a result of wage gaps and other forms of discrimination. American businesses make tens of billions of dollars in additional profits every year simply due to the discrimination against women workers.

Corporations often streamline production and economize by cutting back on women's jobs or their wages. Most women workers are not members of trade unions which renders them legally helpless: they can be arbitrarily dismissed and are often denied unemployment benefits and access to social security. Women in the U.S. encounter extreme difficulties due to the imperfect legislation on legal aid and social benefits for expectant and nursing mothers.

The *U.S. News and World Report* wrote on March 10, 1986 that not a single federal law provides legal protection for pregnant women, not a single law in any of the 50 states formulates clearly the terms of maternity leave or provides guarantees that a woman's job will be held for her. Unskilled women working for low wages, which describes the majority of women workers, find themselves in a particularly hard position. According to the same magazine, maternity leaves for 40 percent of all women workers are no longer than six weeks and, moreover, the question of pay for such leaves is decided at the discretion of the employer.

Many bourgeois constitutions proclaim the right of women to take part in politics on equal terms with men. But when women were given the right to vote, they did not get equal political status with men. In most industrialized capitalist countries, where women account for the larger part of the population, they hold no more than

10 percent of the seats on legislative bodies, as is pointed out in a report published in April 1985 by the Washington-based organization "World Priorities". The report stresses that there is a huge gap between the rights of men and women. Under the Civil Rights Act of 1964 sex discrimination in hiring for positions in government service is formally prohibited. But in practice women have immeasurably fewer opportunities of getting politically important posts in government. The career opportunities for women in politics are severely limited in the U.S.A. Moreover, those women who are able to surmount the barriers to getting government posts are always representatives of the bourgeois and upper class.

The nominal progress in the realm of politics over the recent decade, particularly after the adoption of the International Convention on the Elimination of All Forms of Discrimination Against Women, which took effect on September 3, 1981, is usually illustrated in the reports submitted to the UN Secretary-General by the member-states of the Convention by isolated examples of women being appointed to government bodies. The report of the Canadian government for 1985, stated that one woman had been appointed to the Supreme Court of Canada, another woman held the post of an appeal court justice in Quebec, and yet another woman had been made Chairman of the Supreme Court of Nova Scotia. This report also stated, however, that women held less than 10 percent of the posts in the various government commissions and institutions in Canada. The number of Canadian women in Parliament, on municipal councils, and on judicial bodies remains low, although, due to the efforts of three political parties, the number of women MPs on the federal level has nearly doubled and is now 27.

Women fighting for their rights link their struggle with the overall struggle for democracy, freedom and peace. Women have become particularly active in the antiwar movement, taking part in the actions against the deployment of American nuclear missiles in Western Europe.

Foreign workers' lack of rights. There are at present between 20 and 30 million foreign workers in the capitalist world. But there are no exact figures, since there is a great deal of illegal migration which the statistical records do not include, while some migrant workers have been living in the foreign country so long that they should be regarded as permanent residents.

The number of foreign workers is fully controlled by monopolies and multinational companies, which make extensive use of foreign labor during years of economic prosperity and discard them in times of recession by means of mass dismissals and administrative expulsion. Employers who use foreign labor in the EEC countries profit from the low costs of this practice, the low wages, the fact that social security benefits need not be paid, that safety measures can be ignored, etc.

Importing cheap foreign labor and mercilessly exploiting this labor, the industrialized capitalist countries furthermore deprive foreign workers of the legal and social status considered normal in them.

The basic criteria of the legal and social status of foreign workers have been established in a series of conventions adopted by the International Labor Organization, such as the Migration for Employment Convention No. 97 (1949), the Migrant Workers Convention No. 143 (1975) and others. The conventions and recommendations adopted by the ILO as regards this category of workers establish principles of equal opportunities and equal treatment in employment, pay, trade-union membership, and the right to social services. They also contain certain clauses on working conditions, working hours, and work-safety measures. However, no mention is made, as a rule, of political rights and freedoms.

As regards the implementation of these conventions, few industrialized capitalist countries ratified them because certain clauses had not been deleted. The real status of migrant workers is such that the principles of equal opportunities and equal treatment do not apply to them. Under the norms of domestic law (government decrees, directives of various departments and minis-

tries), as well as by force of established practice, immigrant workers can only do those jobs for which they have signed a contract or for which they have been granted permission. They have limited opportunities in the choice of occupation, freedom of employment, travel, in selling and purchasing deals and so forth. They often live in special camps or settlements. The masses of migrants live and work in social isolation from the rest of the population.

In a number of European countries (Federal Germany, France, Switzerland and others) the legal and social status of immigrant workers, as well as their living conditions and lifestyle, directly contradict the ILO Conventions, which stipulate that workers have the freedom of coalition, the right to form trade unions, the right to take part in trade-union activities, and the freedom of collective bargaining (ILO Conventions No. 87, 98, 143 and others).

The Rights of Migrant Workers, published in 1986 by the International Labor Office, stresses that the right to form trade unions is a basic right and should be respected even in those countries not ratifying the Convention. The guide lists other rights and freedoms that foreign workers should enjoy on equal terms with the host-country's citizens—the right to travel, the right to the basic forms of social security, the right to legal defense and other rights as well. In practice, however, the socio-economic rights of immigrant workers are being violated in a most flagrant way.

As for political rights, migrant workers as a rule have no such rights, either *de jure* or *de facto*.

There are over 4.5 million foreign workers in France—mostly natives of North and Tropical Africa, Portugal, Spain and Turkey. The wages of immigrants are normally 10-20 percent lower than those of French workers. They have no right to put forth social and economic demands and their working conditions are not guaranteed.

Immigrant workers in France account for 10 percent of the able-bodied workforce and for 18 percent of the working class. They are primarily engaged in the labor-consuming branches of the economy, in hard jobs.

Employers used to regard immigration as essential for the country's economy. But as the crisis situation grew worse and unemployment began growing steadily, migrant workers became undesirable persons in France. Immigration control was introduced. A law was enacted in 1981 laying down the terms of the entry and residence of foreigners in France. But although this law made immigration procedures more orderly and sanctioned the issuing of residence permits for a period of up to 10 years, it also allowed for extremely vague reasons for denying such permits, such as "the interests of securing public order". Immigrants can be deported for the same reason, which happens quite often when a worker lacks certain documents or his documents have expired.

Immigrants are also expelled if they have a confrontation with the police or come into conflict with a body of law, regardless of whether or not they are long-time or permanent residents of France. The same reasons may even lead to the expulsion of persons who have been granted French citizenship, as G. Soulier testifies in his book *Nos droits face à l'État* (Our Rights in the Face of the State).

The 1981 Act granted immigrants the right to be reunited with their families. However, this right is regulated by Decree No. 76-383 of April 29, 1976, which had amendments added in December 1984 that have led to tighter control. Under the decree, a family can be granted an entry permit only if the head of the family has had permanent residence for not less than one year and can prove that his income (wages) is adequate to provide his family with all the basic necessities. Every family member must have a medical certificate stating that he or she does not have any serious illnesses. Only a very small percentage of the immigrants in France today are able to meet these and other requirements. It is very difficult to find living quarters for a family. The organizations in charge of renting communal housing turn requests from immigrants down, sending them off to special residential areas. Thus, the overwhelming majority of immigrant workers are unable to enjoy the right that they are entitled to on paper of reuniting with their families.

Foreign workers are subject to restrictions in every category of human rights and freedoms. "In a country which is continually praising its democratic traditions, these restrictions look like leftovers from the Middle Ages", writes the French author L. Richer in his book *Les droits de l'homme et du citoyen* (The Rights of Man and Citizen). There are restrictions on political rights as well. Immigrants have neither active nor passive voting rights and the principle of freedom of the press does not apply to them; they are supposed to pledge allegiance to the government of the country they are living in and to their own government as well. Although under the 1981 Act a foreigner cannot be expelled for political activities, the requirement to keep out of politics plays a very important role. Immigrants' lack of political rights leads to their social and economic rights being ignored. P. Bernard, the Mayor of Montfermeil and a member of the right-wing coalition, issued the high-handed order to stop accepting immigrant children at kindergartens and general schools. He announced plans to prohibit the renting of apartments to immigrants. Only because of the protests on the part of the democratic public was the mayor forced to cancel these decisions.

As the crisis grows worse, the neo-fascist forces in France, which preach racism and racial intolerance, are becoming more active. Immigrant workers are more and more often victims of racial hatred. The rightist circles contend that the central problem is the danger that French society might lose its "originality". M. Poniatowski, a former minister of the interior and an ideologist of the extreme right, keeps talking about the danger of France turning into a "moslemized society".

The objective behind these kinds of fabrications has a clearcut class line: to introduce discordance in the ranks of the French workers and to undermine their class solidarity in the struggle for their rights by sowing nationalistic, chauvinistic and openly racist sentiments in the minds of the people.

Foreign workers are victims of flagrant discrimination in West Germany as well.

"No person shall be injured or given preference to for

reasons of sex, origin, race, language, place of birth, faith, religious or political views." These are the opening words of Art. 3, Cl. 3 of the country's Constitution. These provisions, however, do not apply to the four and a half million foreign workers, presently living in the country. Their rights are heavily infringed upon by the immigration law, which stipulates the terms of entry and residence for immigrant workers (the Immigrant Workers Act of 1965, to which numerous amendments and revisions have been made in ensuing years).

This law includes bans and restrictions which have a direct impact upon the social rights of immigrants, particularly in the employment sphere. The problem is that a preliminary condition for concluding an employment contract with an immigrant worker is the possession by the latter of a residence permit which has been issued by an immigration authority. Immigrants are limited in their choice of work and place of residence, they are restricted in making real estate purchases, and are paid less for equal work. The restrictions on foreign workers have been tightened in recent years; now a worker must have been living in the country for five years in order to obtain the right to stay in the country indefinitely, and for eight years in order to obtain a residence permit. Furthermore, there is a score of other conditions, including the requirement of knowledge of the German language. For example, migrant workers from Turkey are eligible for a residence permit only if they have been offered a job in a hotel or restaurant. Immigrants are forbidden to change jobs for a strictly specified period of time. Moreover, a residence permit may be canceled in the event of resignation from a job or conduct disapproved of by the authorities (participation in strikes, demonstrations, etc.)—in which case the immigrant may be expelled from the country immediately. Under the Immigrant Workers Act of 1965, which was revised in 1978, there are 11 reasons for which the authorities may cancel a residence permit.

Under the Right for Political Asylum Regulation Acts (1980 and 1982) and the instructions issued on the basis of these acts, labor conscription is widely practised

in West Germany as regards persons seeking political asylum in the country. Such people may be ordered by local authorities to do "public work". If they refuse, they are immediately expelled from the country. These rules used to be applicable only to released prisoners in West Germany but today they apply to nearly all immigrant workers from Africa, Asia and Turkey.

These workers are employed primarily in low-paying jobs, their average wage being twenty to thirty percent lower than that of West German workers with similar qualifications. Foreign workers tend to work longer hours than local workers, often working more hours than the established maximum. They are also discriminated against in social security, in the social services, in housing and in the sphere of general and professional education. Family members are also victims of discrimination: 75 percent of the immigrant workers' children living in Federal Germany do not get any professional training at all, while in some places up to 90 percent of the children never go to school.

About 2,200,000 West German citizens living below the official poverty line receive benefits from the government, but foreigners are well advised to keep themselves above this line: social benefits and aid are, as a rule, denied them. As soon as a foreign worker applies for assistance, he comes under the threat of expulsion.

Foreign workers in West Germany have no right to vote, no freedom of assembly, no right to form coalitions or political parties, no freedom of the press, and no protection against extradition to a foreign state. The discriminatory policy of the authorities cultivates and encourages various forms of racial intolerance towards foreign workers.

The several million immigrants in the U.S. especially those considered "illegal", are also subjected to all kinds of discrimination. For example, U.S. policy on the rights and freedoms of immigrants is a legal fiction. In 1958 the Supreme Court ruled that the so-called "illegal immigrants" and persons awaiting deportation were not to be considered legally present on U.S. territory and, consequently, were not entitled to protection under Article

XIV of the Amendments to the Constitution on "due process of law".

An illegal "alien" taken into custody and awaiting deportation is not protected by the U.S. Constitution from being detained for an unspecified period.

The U.S. Congress is now considering a draft reform of the immigration law and the American Bar Association has advised it to recognize the legal status of some categories of illegal immigrants, as well as their rights and competence. Richard Keatinge, Chairman of the Association's Coordinating Committee, told the members of the Senate Judiciary Subcommittee that it would be unrealistic to believe that the authorities could possibly determine the number of illegal immigrants in the U.S. (which amounts to several million), while it is even less probable that legal action could be brought against all of them and that they could all be deported. He claimed that society had to pay a heavy price for letting a large group of "second-rate" people that is virtually outside the law stay in the country. "Society is harmed every time an undocumented alien is afraid to testify as witness in a legal proceeding (which occurs even when he or she is the victim), to report an illness that may constitute a public health hazard and to disclose a violation of U.S. labor laws." The rightlessness of immigrants is a typical situation in industrialized capitalist countries today.

Discrimination against ethnic minorities. The *de facto* inequality of nations and races, a permanent element of capitalist society, is assuming increasingly abnormal, intolerable forms. Representatives of national minorities in the U.S. fall victim to various kinds of unlawful persecution and often to direct and legalized discrimination. Racial suppression is a direct and gross violation of the U.N. Charter, of the Universal Declaration on Human Rights and of the International Covenants on Human Rights. The U.S. is among the few U.N. member states that have for many years now refused to take on concrete obligations to combat racial discrimination. The U.S. failed to ratify the International

Convention on the Elimination of All Forms of Racial Discrimination, as well as the International Covenant on Civil and Political Rights of 1966, and failed to support the U.N. Decade for Vigorous Actions to Combat Racism and Racial Discrimination (1973-1983). An example of the United States' stubborn resistance to U.N. efforts in combating racial discrimination is its evincive refusal to participate in the Second World Conference on Combating Racism and Racial Discrimination (August 1983).

Not only do U.S. authorities not take any measures to eliminate racial discrimination, but the Reagan administration has furthermore begun attacking the basic achievements that have been made in the sphere of civil rights. According to the Jurisdiction and Education Fund of the National Association for the Advancement of Colored People, the Reagan administration has created a situation in the country which is in contradiction to the civil rights laws that were passed earlier (the Civil Rights Act of 1964 on broadening colored people's rights in the sphere of employment and on desegregating the educational system, and the Voting Rights Act of 1965). These gains turned out to be nothing but formal legal guarantees of equity, which have not been implemented and have no real value.

A number of the measures the Reagan administration has introduced are aimed at limiting the scope of the antidiscrimination laws and at impeding the activities of those bodies in charge of implementing them. The Equal Employment Opportunity Commission, the National Contract Management Association and a number of other agencies have had their budgets cut. Persons notorious for their conservative views have been appointed to head many of the departments in charge of combating discrimination against ethnic minorities. For example, the progressive Black leader A. Fleming was removed from his post as Chairman of the U.S. Commission of Civil Rights, which was established in 1975 to monitor the observance of the Black population's civil rights and to make instances of civil rights violations known to the public at large. He was replaced by the Black conservative Clarence Pendleton

who has denounced pay equity as "the looniest idea since Looney Tunes came on screen".

There is an unbridgeable gulf between the formal legal equality of ethnic minorities and their actual equality in the U.S. The ruling circles have been subjecting Blacks and other colored population groups to discrimination and severe exploitation throughout the country's entire history since slavery was abolished.

There is widespread discrimination in hiring and firing procedures, in pay and in working conditions which inflicts considerable damage on its victims. The following figures testify to this: as of September 1985 unemployment at large was 7.1 percent, while for the Black population this figure was 15.3 percent; the unemployment level among young Blacks was 34.4 percent—two times higher than the unemployment figure for young people in general. While in 1980 28 percent of the Black population got by on incomes below the official poverty line, today this figure has grown to 33.8 percent. The unemployment level of Blacks is nearly two times higher than that of the White population, while three times as many Blacks live below the poverty line as Whites.

Figures reached by the Economic Commission of the Communist Party of the U.S.A. show that racism is used by the U.S. ruling class as a tool for plundering and exploiting more than 50 million Americans representing ethnic minorities. Income losses incurred by victims of racial discrimination in 1982 amounted to 119 billion dollars; Black Americans incurred damages of 85 billion dollars, Spanish-speaking Americans—31 billion and other oppressed national minorities, mostly Indians—three billion dollars.

Racial segregation in the sphere of education, that is, separate education for White and non-White children, is an acute problem in the U.S.A. Racism in education has resulted in the illiteracy of 47 percent of all young Blacks. Over one-half of all Spanish-speaking Americans are "functionally illiterate", i.e. do not have the rudimentary skills in reading, writing and arithmetic.

A long campaign against school segregation has re-

sulted in the establishment of desegregated schools. On the whole, however, the school system is still segregated. More than a quarter of a century has passed since the Supreme Court ruled that the principle of "separate, but equal education" in schools is unconstitutional (1954), but there is still separate education: over 33 percent of all Black pupils attend schools that are almost completely segregated, schools where Black children account for 90 percent of the students or more.

As for the North American Indians, who are truly native Americans and who have an indisputable historical right to live on American lands, they are now in danger of literally disappearing. The U.S. administration makes use of a whole system of discriminatory measures to suppress the Indian population: ranging from measures aimed at physically exterminating the Indian population outright to measures of legal suppression and socio-economic strangulation. The statistics on the number of native Americans (in the 18th century there were twelve million Indians living in the U.S.; this figure today is less than one and a half million) testify to the fact that there is a policy of genocide as regards the North American Indians. This might be one of the reasons why the U.S. has for many years refused to ratify the International Convention on the Prevention and Punishment of the Crime of Genocide as well as the International Convention on the Elimination of All Forms of Racial Discriminiation. Over fifty percent of all Indians live in poverty, while 49 percent of the able-bodied Indian population is jobless.

Indians are virtually barred from participating in politics as a result of the educational barriers. Even back on their reservations, they do not have control over their lives.

In his article entitled "The Red Man in the American Wonderland," professor Russel L. Barsh of Washington University writes about the absolute rightlessness of the Indian people. The following was taken from his book. "Few lawyers, indeed few members of the public, realize that federal law still expressly permits the taking of Indian land, certain lands excepted, without any com-

pensation and without due process of law. The federal government claims and exercises broad powers over Indians and Indian lands based not on the Constitution, but on its assumed role as guardian or trustee for Indians—quite irrespective of Indian consent. Having roots deep in the colonial past, these legal doctrines today effectively deprive Indian people of many basic constitution protections all others enjoy."

Racism has become common practice in the American justice system. Verdicts of "guilty" are being reached more and more often in cases based on fabricated charges against representatives of national minorities. Convictions are made by judges, 98 percent of whom are White. The situation is practically the same in the choosing of juries. John Harris, a prominent campaigner for Black rights, was pronounced "guilty" by a jury made up of exclusively White persons and sentenced to death on fabricated charges. It was only under pressure from the American and international public, which launched a campaign for Harris' acquittal, that the sentence was not carried out.

Typical in this respect is the case of the so-called "Wilmington Ten", which involved Benjamin Chavis, a priest and an activist for Black rights and freedoms. On fabricated charges of having set fire to a grocery store, the Wilmington Ten were brought to trial on the basis of false testimony from three suborned witnesses, to extended prison terms amounting to a total of 282 years.

Shortly after the sentencing, when all three of the witnesses retracted their original testimony, it became absolutely clear that the trial and verdict lacked all grounds. Nonetheless, the appelate and revision courts, including the Supreme Court, for many years refused to reexamine the verdict, which remained valid. It was only under pressure from a broad protest campaign, which later became international, that first the governor of North Carolina reduced the sentence by half and then later the authorities were forced to release the prisoners on suspended sentence. However, since the original verdict was never officially overturned, the released are still under police surveillance and consequently their civil rights and freedoms are limited.

The fact that racism in the U.S. is becoming a kind of cult is particularly evident during the suppression of racial riots. Arbitrary actions on the part of police take on extremely violent forms. The House Subcommission headed by Black Congressman John Conyers has published a report citing instances of the systematic use of violence against Black Americans in many cities of the country. Statistics for the State of Georgia show that death penalties for attempted murder of White persons are eleven times more frequent than for murder of Black people. A concealed form of discrimination in capital punishment is that Blacks sentenced to death are on the average much younger than White persons receiving the same sentence. Furthermore, Blacks sentenced to death have immeasurably fewer opportunities for lodging appeals against their verdict with an appelation body. This is particularly important to keep in mind since the United States is in fact the only capitalist state where death penalties are given to minors. There are only six states in the U.S. where the death penalty cannot be used against criminals under 18 years of age. In 31 of the states which practice capital punishment, the age limit is still lower or is not specified at all. Both Blacks and White citizens from the poorest sections of society are as a rule sentenced to death if their supposed victim is White.

Indians live in conditions of unrestricted judicial despotism and systematic police terror; Indians are arrested three times more frequently than Black people and ten times more frequently than Whites. In many U.S. cities arbitrary detentions of Indians have become a means of saving public money: whenever there is some public work to be done, mass arrests of Indians are carried out; those unable to pay the fine are forced to work it off.

These and other flagrant violations of the rights and freedoms of non-White citizens in American legal processes were condemned in a petition submitted in 1978 by five American organizations combating racial discrimination to the U.N. Commission on Human Rights. A version of the petition was published as a pamplet written by Lennox Hinds, a professor of criminal law,

entitled "Illusions of Justice. Human Rights Violations in the United States."

Many well-known champions of the civil rights of Indians are presently serving time in prison. Leonard Peltier, a leader of the American Indian Movement, was sentenced to two terms of life imprisonment on fabricated charges in 1977. The verdict was reached by an all-White jury, which violated a provision in the U.S. Constitution stipulating that every citizen has the right to be tried by his peers. In other words, the jury should have included representatives of the North Dakotan Indians. This, however, was not done. The objective was to put Leonard Peltier on trial for a crime he never committed. Leonard Peltier is a political prisoner, whose only guilt is that he is a leader of the American Indian Movement and an activist campaigning for civil rights and freedoms. According to J. Messershmidt, an American professor of sociology and criminal law and the author of the book *The Trial of Leonard Peltier*, the FBI has used every means at its disposal to undermine the influence and role of the American Indian Movement.

Under pressure from the American and international public which demanded that Leonard Peltier's verdict be reviewed and a retrial be held, new court hearings were started on October 15 and 16, 1985. A closed court session was held to investigate the need for a retrial. Having determined that there were no grounds for a retrial, the court left the verdict in force. And Peltier is still behind bars.

Recently Ku-Klux-Klan, neo-Nazi and ultra-rightist organizations—direct proponents of the ideology and practice of racism—have been becoming noticeably more active, enjoying the direct support of the ruling circles. They promote their racial ideas through openly terroristic methods—murder, bombings, arson. As they possess their own printing facilities, they are able to flood the book market with pro-fascist literature. A directory was recently published in the State of Idaho containing addresses and phone numbers of Blacks and members of the Communist Party and other organi-

zations fighting for the equality and freedom of the colored population of America.

Discrimination against ethnic minorities is in violation of the U.S. obligation under Principle VII of the Helsinki Final Act—to respect human rights without distinction as to race—and of a provision under the same principle which reads "the participating States on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere".

IV. THE CRIMINAL PRACTICE OF APARTHEID

The racist regime of the White minority in South Africa represents the last seat of colonialism, racism and aggression left upon the African continent. It has survived solely due to the financial, economic, military and political aid coming from the imperialist circles of the U.S. and a number of West European states.

The racist regime in South Africa represents a special form of colonialism under whose yoke is to be found nearly 85 percent of the country's population: Africans, "Colored" people and Indians. The apartheid supporters pursue a policy of racial segregation—the so-called "separate development" of races—aimed at preserving White rule, although Whites are a minority in the country. The system of apartheid existence in South Africa is based upon the legalized inequality of racial groups and denies the country's 23 million Black people nearly all their political rights, leaving the decisive role to be played by Whites (4.8 million) and granting limited rights to "Colored" people (2.7 million) and Indians (800.000).

To maintain its rule over the greater part of the South African population, the racist minority uses the force of the law, among other means.

It would be appropriate to single out the most odious of the draconian laws in effect today in the Republic of

South Africa. In particular, these include: the Suppression of Communism Act of 1950, used to suppress not only Communists, but also all civil rights activists; the so-called Illegal Organizations Act of 1960, which has served as a basis for banning the activities of many progressive organizations (for example, the Congress of South African Students was outlawed in 1985).

Glaring examples of repressive legislation include: the Public Security Act, 1953, whereby a state of emergency may be declared in individual regions or throughout the entire country for a period of up to 12 months; the so-called Terrorism Act of 1967, later replaced by the Internal Security Act of 1982; the so-called Protection of Information Act of 1982; laws concerning the apparatus for suppression and a number of other acts. Under the Protection of Information Act, the president of the Republic of South Africa may declare any region of the country a no-entry zone; the penalty for entering such a zone can be up to 20 years' imprisonment. The Seditious Meetings Act of 1914, to which numerous amendments were later made, is still in effect. Under this Act, the minister of internal affairs has the power to prohibit any meeting which results in a "breach of public order".

The policy of racial segregation, which the ruling class in South Africa regards as its chief instrument for preserving its rule, is pursued on the basis of the Group Areas Act of 1950, which introduced the notion of racial groups, and the Population Registration Act of 1959. These acts consolidated the principle of reserving certain areas and certain human rights for different ethnic groups. All subsequent amendments to these acts were aimed at strengthening the principle of "separate development" laid down in the Constitution and at imposing legal restraints on the rights of the non-White population in various spheres. Under the Promotion of Bantu Self-Government Act of 1959, ten bantu homelands, or special reservation areas for South African Blacks, were set up in the country. The characteristic feature of the new Constitution of 1984, which legalizes the colonized status of the Black majority, is the fact that it openly consolidates the apartheid policy.

Between 1960 and 1980 about three million people in South Africa were forcibly driven from their settlements, divested of South African citizenship and relocated to bantu homelands. Official reports say that 22,900 Africans were relocated in 1984 alone. At present there are more than 11,000,000 Africans living in bantu homelands which take up 13 percent of the country's territory and were introduced by the authorities for the purposes of creating a source of cheap labor. The richest lands (87 percent) have been allotted to the White population and the small number of persons having the same status as Whites. The main industrial centres and mineral resources are located outside the bantu homelands. Africans living outside bantu homelands have the status of immigrants with all the ensuing legal consequences.

Along with the system of bantu homelands there are socio-economic measures aimed at splitting the African majority. Thus, the authorities' decision to give Africans the rights to purchase lands and housing located within bantu homelands serves the interests of the African tribal petty bourgeoisie, which the racist regime uses in its fight against the anti-apartheid movement as a buffer between the White minority and the destitute masses.

Side by side with the territorial separation of the various racial and tribal groups, there is racial discrimination in all aspects of the political, economic, social and cultural spheres. The policy of apartheid has resulted in growing poverty and unemployment among the greater part of the country's population, whose living standards are extremely low, even as compared with the poorest African nations. Even according to the official statistics the mortality rate for Black children is 80 per 1,000 newborns, while this figure for the White population is 14; one-third of all Black children in South Africa die before reaching the age of 15. In some agricultural zones the unemployment level among the indigenous population has reached 60 percent.

The artificial depreciation of the cost of labor has led to excessive exploitation of the majority of the population, to which, for example, statistics on the average

monthly wages of different racial groups testify: White people earn 1,100 Rands, Indians, 540 Rands, "Colored" people, 385 Rands; and Black Africans, 290 Rands. From the early 1960s to just recently the excessive exploitation of African labor enabled employers to enjoy an average profit rate of more than 20 percent as compared to 14 percent in the developing countries and four percent in the industrialized capitalist countries. Black Africans, who constitute two-thirds of the country's labor force, are paid 75 to 80 percent less than White persons with the same qualifications. On the whole, the Black Africans account for less than 20 percent of the national income. Even the formal abolition in 1981 of the discriminatory laws on labor relations and renumeration in most branches of the economy did not lead to the elimination of discrimination in real life: the average monthly wages of Black industrial workers, for instance, went down from 263 Rands in 1984 to 249 Rands in 1985.

The policy of apartheid also plays a large role in the educational system: White students, in contrast to Black African students, enjoy free and compulsory education. The educational system for the indigenous population is in a sad state.

The government's average yearly expenditures on education amount to 800 Rands for each White child and all of 80 whole Rands for each Black child. New repressive acts have been introduced in recent years on students' admission to classes: only the "reliable" are issued special identification certificates. In other words, the policy pursued by the authorities in the sphere of education is aimed at depriving the younger generation of Black Africans of all opportunities of getting an education of any kind. The discrimination in education has led to a high percentage of illiterate people in the African population. The racist policy, pursued in compliance with such legislation as the Colored Persons Education Act of 1963 and the University Act of 1959, which was replaced by the so-called Quota Act in 1983, accounts for the following statistics: in 1982 for every 500 university graduates there was only one Black person. In

1981, Africans accounted for only five percent of the students in professional training and 84 percent of the indigenous population had only an elementary education.

The civil rigths and freedoms of White people in South Africa are being violated alongside those of Black Africans. Racial discrimination is especially widespread in the sphere of personal relations between persons of different racial groups. Even after the abolition in 1985 of the discriminatory legislation in this sphere (particularly, of the Mixed Marriages Act of 1949), the racist practice of interference in family relations continues.

In the 1980s the opposition in the country to the racist regime has been growing, the crisis in the economic and social system of apartheid playing an important role in this. Black Africans constitute the strongest force in the movement against apartheid and for democratic change in the country. They are supported by the "Colored" people and the Indians, and some time ago were joined by Whites. Such mass movements as the African National Congress of South Africa (ANC) and the South-African Communist Party (SACP), which are banned under the Illegal Organizations Act, must wage their struggle against the racist regime underground, but nevertheless the movement of patriotic forces has entered a new stage.

The struggle for democratic change assumes a variety of forms: strikes, acts of civil disobedience, school boycotts and factory walk-outs, non-violent demonstrations and mass street processions during the funerals of patriots, the armed actions of the ANC freedom fighters and so forth. According to Oliver Tambo, President of the ANC, strong revolutionary confrontation has become a part of South-African reality today.

Leading the oppressed masses in conditions of cruel suppression by the racist regime, the ANC is putting its greatest efforts into making the protest actions an organized movement. The African National Congress of South Africa has done a great deal in recent years to mobilize the masses and give them a political education, as a result of which the anti-apartheid movement has

acquired a higher degree of organization and many various forms of action.

An important landmark was the creation in August 1983 of the United Democratic Front (UDF)—the first mass democratic organization to operate legally in the country since the ban was imposed on the ANC. The UDF unites members of various political parties, as well as those of trade union, women's, students' and religious organizations representing all racial and ethnic groups. The UDF's objective is to struggle against apartheid and racism and for broad social and democratic changes. Included in the UDF leadership were political prisoners sentenced to life imprisonment in 1964 on charges of high treason: Nelson Mandela, Walter Sisulu and other prominent ANC activists. At present, the Front has over two million members.

In an attempt to undermine the broad antiracist front, the South-African authorities resorted to political maneuvers which, according to Alfred Nzo, the Front's Secretary-General, were aimed at breaking up the popular opposition and weakening the revolutionary unity between the oppressed people and their allies from the White sections of the population who adhere to democratic beliefs. The government of Pieter Botha put the biggest stakes on a constitutional reform in 1984, which was allegedly to replace the apartheid system with cohabitation and cooperation among the different racial groups. The 1984 Constitution, however, not only did not weaken the pillars of apartheid, but even helped to preserve and strengthen them: leaving the existing legislation in force, including the apartheid law, the reform made this legislation constitutional.

While granting limited political rights to "Colored" people and Indians, the constitutional reform did not apply to Africans in any way. Full authority was given to the White minority. The principal bodies of the state apparatus—the President's Council, the Cabinet, and Parliament—are formed on a racial basis in such a way that the majority of seats goes to White persons. The President is elected by an electoral college, which in its turn is elected on a racial basis by Parliament; the

absolute majority of Whites among the electors guarantees the election of a White president.

The President has practically unlimited powers in all spheres of state affairs. He can, for example, pass any matter on to the President's Council for consideration, and the composition of this council is largely determined by the President himself; declare a state of emergency or war; use his right to veto any decision passed in Parliament, disband Parliament; etc. The Constitution grants the President unlimited authority in controlling and regulating Black Africans' affairs. A new item in the Constitution is the establishment of a three-house Parliament: the House of Assembly for Whites, the House of Representatives for "Colored" people, and the House of Delegates for Indians; the racial groups representation is 4:2:1, respectively. Not surprisingly, the House of Assembly is empowered to veto any decision passed by the other two chambers.

This racist Constitution was rejected not only by Black Africans, who were not even given the right to vote, but also by the majority of the "Colored" people and Indians, to whom it granted limited political rights. About 82 percent of the "Colored" people and about 84 percent of the Indians boycotted the August 1984 elections to the House of Representatives and the House of Delegates. The oppressed majority of the population held mass political protests against the 1984 Constitution; in the course of these protests the leaders of the campaign to boycott the elections and hundreds of protesters were put behind prison bars. By decision of the 39th session of the U. N. General Assembly, the world community denounced both the elections and the Parliament formed thereby as legally invalid.

The program of reforms put forward by President Pieter Botha at the 1985 annual conference of the Nationalist Party is just another attempt at political maneuvering by the South-African ruling class. The very fact that the South-African authorities have begun instituting reforms, however partial and half-hearted, testifies to the seriousness of the situation inside the country and to the changes in the line-up of forces, both

at the "top" and between the "top" and the "bottom" of society. Meanwhile, the principle of "separate development" has remained unaffected. The system of legalized inequality existent in the Republic of South Africa is not apt to change drastically, despite the removal of control over the migration of Black Africans, the partial broadening of their rights to residence and private property ownership, and the abolition of the Passlaws and the Mixed Marriages Act. As regards the voting rights of Black Africans, they are still fictitious for, as before, the Black Africans are denied admission to Parliament and completely excluded from the voting principle "one person, one vote". The proposed "universal citizenship" for the entire population seems to be nothing but a token concession, since the South-African government is bent on preserving the system of bantu homelands. Acts and regulations intended to protect the privileges of the White minority are also still in effect. These include the registration of the population according to ethnic groups and the relocation of such groups, the establishment of ethnic reservations for Blacks, the limitations on the Blacks to access to skilled jobs, the discriminatory laws on separate education for different racial groups, and so forth. The system of ownership and power, including the distribution of land between Blacks and Whites, remains unchanged.

A wave of protest has been sweeping across the whole country since the adoption of the new Constitution evoked mass political protests in 1984. By resorting to absolute terror, the government of Pieter Botha has demonstrated the inability of the repressive regime to govern the country in any way other than by using military methods. Trying to suppress the opposition, the racist regime resorts to mass killings, detains thousands of people, stages political trials of its opponents in hopes of wiping out the opposition organizations, and stations army units in African settlements. The police are joined by the South-African armed forces in carrying out crackdown actions inside the country; according to the newspaper *Le Monde*, in 1985 35,000 servicemen were stationed in 97 African settlements.

Unrestrained police violence has led to a situation in which death by the hands of the "custodians of law", beatings and murders in prisons, and the use of torture during interrogation have become a regular part of South-African reality. An example of the virtually unrestricted power of the President was the introduction on June 12, 1986 of a total state of emergency in response to a general strike held by Black Africans to mark the anniversary of the shooting of Black students in Soweto. This led to further repression of the Black population. In accordance with the state of emergency, the army and the police were given unlimited authority and were freed of any civil or criminal liability for any actions they might take against the oppressed majority of the population.

In accordance with the amendments to the Internal Security Act, any person may be detained and kept in custody for up to six months without investigation or trial (instead of two weeks, which was the legal standard before) and also be held in solitary confinement with no right to communicate with lawyers or family members. Thousands of people have been arrested under the Internal Security Act on charges of a breach of public order and participation in illegal gatherings. By early 1987, at least 8,800 people had been arrested since the introduction of the state of emergency in South Africa. Nearly the entire UDF leadership has been arrested on charges of high treason, while hundreds of school pupils have been brought to court for boycotting classes.

The prisoners arrested under the emergency laws, who are languishing in cells while no charges have been brought against them, are being subjected to monstrous tortures. It has become quite frequent for political prisoners to die in their prison cells. Detention, beating, murder and other forms of repression are used against teenagers and even children of 8 to 10 years of age. There are plans to more than double the mobilization capability of the South-African armed forces by expanding the category of persons eligible to be drafted and by extending the duration of service. This will make it possible to enlist one million people. The country's military budget grew by more than 400 percent from

1975 to 1985, while in 1985-1986 military expenditures grew by 8.1 percent as compared to 1984-1985.

The widespread terror in South Africa has been accompanied by the introduction of severe censorship and draconian control over both the South-African mass media and the activities of foreign journalists accredited in the country. An extremely strict ban has been imposed on the reporting of any protest action; violators are threatened with various prison terms. Alongside the full censorship of the press, certain periodicals have been closed down (as was the case with the *Rand Daily Mail,* a liberal newspaper that was closed down in May 1985).

All the political rights of man are being transgressed in a most flagrant way: the freedom of thought and speech, the right to form political associations, the right to equality before the law, etc. The repression of strikers is growing. To break up strikes, the authorities make use of a broad arsenal of punitive measures, ranging from the practice of arresting and detaining trade-union activists and carrying out mass dismissals, to the practice of escorting workers to their workplace at gunpoint.

The growing politicization of the Black trade unions, which did not gain legal status until 1979, is of great importance for a successful struggle against apartheid. The important gains of the South-African working class include the revision in the late 1970s and early 1980s of the labor legislation, resulting in the abolition of the restrictions in industry which were used to reserve skilled and semi-skilled jobs for Whites. Black Africans were given the right to take part in collective bargaining, the right to unionize and even a limited right to go on strike. It should however be noted that, while the list of trades Black Africans are now eligible to have has been extended, the situation has actually changed little: Whites account for nearly 100 percent of those employed in executive and management positions.

The working class in South Africa go on strike for higher wages and better working conditions, as well as for drastic changes in the socio-political system of the country. Thus, the demands put forward during the strikes that swept the country after the introduction of a

state of emergency in June 1986 included the demands that the state of emergency be lifted immediately, that the racist troops be withdrawn from African settlements, that apartheid law be abolished and that trade-union leaders be released from prison.

Pieter Botha's reforms evoked widespread discontent among the Black population and at the same time aggravated the dissent in the White camp. The situation in South Africa has recently become characterized by the growing polarization of the White community. Aware that no political settlement is possible without the participation of the ANC, various sections of the White population—including representatives of business circles and the legal opposition to the government, represented by the Progressive Federal Party, as well as representatives of students' organizations and prominent religious leaders—are searching out contacts with the ANC, the leading force of the liberation movement in South Africa. The protests by individual representatives of the White population who have realistic views and by groups of political and public activists from various sections of the South-African population reflect the demands being made nationwide that the official policy be drastically changed.

At the same time the extremist forces in South Africa are becoming more active, rejecting any deviation from the apartheid doctrine and calling for increased terror and repression. An ultra-rightist stance is held by the Herstigte Nasionale Party and the Conservative Party of South Africa, accusing even the present government of "liberalism" as far as most of the population is concerned, and also by a number of paramilitary semifascist organizations of Whites (e.g. the Afrikaner Resistance Movement).

The racist regime of South Africa is not merely a special form of colonialism, but also a direct threat to peace and security in the south of Africa. The racist regime pursues a policy of colonial oppression of Namibia, plundering its mineral resources and transforming it into an adjunct producing raw materials for the South-African economy and into a colony of trans-

national corporations. In their direct investments in Namibia's economy foreign companies reap profit rates that average well above 25 percent.

The reason behind the continuing colonial oppression of Namibia is the broad military and political support rendered to South Africa by certain capitalist states, mainly the U.S.A. With the help of the American administration, the racist South African government is able to ignore numerous resolutions on Namibia, in particular, Resolution 435 of the U.N. Security Council which calls for the withdrawal of South-African troops from Namibia and for the granting of independence to this country on the basis of preserving Namibia's unity and territorial integrity.

The majority of the participants in the international conference on the immediate granting of independence to Namibia (July 1986) condemned the attempts by the apartheid regime to perpetuate colonial rule in Namibia by establishing a puppet regime, the so-called Provisional Government of Namibia, and called for granting to the Namibian people the inalienable right to self-determination and independence by holding free, U.N.-sponsored elections. The South-West Africa People's Organization (SWAPO), recognized by the U.N. as the only true representative of the Namibian people, is responding to the terror and the policy of diktat pursued by the oppressors with the armed struggle of the Namibian National Liberation Army. However, as was stressed in a special report issued by the International Labor Office, "in spite of international action designed to put an end to South Africa's illegal occupation of the territory, and to bring about the formation of a democratic government based on the genuine will of the population, no progress has been made, due largely to the obduracy of the Government of South Africa. The South African objective is clearly to achieve Namibian independence on its own terms, irrespective of popular support for the South-West Africa People's Organization (SWAPO)".

South Africa has deployed a powerful army in Namibia, and its aim is not only to suppress the national

liberation struggle of the Namibian people, but also to carry out acts of aggression against independent, so-called frontline, states (Angola, Botswana, Zambia, Zimbabwe, Lesotho, Mozambique). The use of terrorist groups, such as the National Union for the Total Independence of Angola (UNITA), the Mozambique National Resistance (MNR), the Lesotho Liberation Army, etc., has become an important part of South Africa's subversive activities against independent African countries. Besides providing financial aid and employing subversive, puppet organizations, South Africa carries out terrorist acts in neighboring countries against the leaders of the liberation movement and organizes conspiracies against independent governments.

The aggressive schemes of the United States and South Africa are focused on Angola, against which South Africa's land troops, air force and mercenary units have been waging a large-scale, undeclared war ever since the country declared independence. Using the South-African racist regime as a mediator, the U.S.A. renders considerable political, military and financial aid to the Angolan counterrevolution. The emphasis here is being put on the UNITA terrorist group, which carries out various acts of armed aggression against Angola aimed at destroying its economy and destabilizing its government. The damage inflicted on the "frontline" states over the past five years as a result of South Africa's aggression amounts to ten billion dollars. The repeated aggressive actions by South Africa against neighboring states show that Pretoria's ruling circles have no intention whatsoever of complying with the norms of international law, the decisions of international organizations or the demands of the world public. The apartheid regime is responsible not only for the bloody crimes it commits against the Black population of its own country, but also for its systematic aggression against neighboring nations.

Having chosen the course of "constructive engagement" with the racist regime in South Africa, the Reagan administration does everything possible to help strengthen South Africa's military-industrial complex.

Universal sanctions, which the world community has long been calling for, could become an effective tool in the fight against the criminal regime. An overwhelming majority of the delegates to the World Conference on Sanctions against Racist South Africa (June 1986) stressed that universal sanctions, provided they were strictly observed, were the only possible measure, aside from an armed struggle, which could force the racists to abandon their policy of apartheid inside the country and their policy of aggression against neighboring countries. However, the stance of certain Western countries, primarily the U.S.A. and Britain, which have vetoed U.N. Security Council Resolutions on this issue, is impeding the implementation of that measure.

Under pressure from the world public, which is appalled by the bloody reprisals in South Africa, in 1985 U.S. President Ronald Reagan announced limited sanctions against South Africa and the creation of a consultative committee on South Africa. The only function of this committee, however, is to make recommendations. At the same time, despite the growing opposition to the "constructive engagement" policy among American congressmen, who are against the military-political alliance between Washington and Pretoria, Ronald Reagan absolutely refuses to introduce economic sanctions against South Africa, cautioning Congress and West European countries against taking sanctions.

Meanwhile, it has been repeatedly stressed in resolutions adopted by the world community that any form of political, economic or military aid to Pretoria amounts to nothing else but complicity in the crimes committed by the racist regime. The world community has declared the policy of apartheid a crime against humanity to be punishable by law. In 1973, the U.N. adopted the International Convention on the Suppression and Punishment of the Crime of Apartheid. Apartheid is unlawful: it is a flagrant violation of numerous basic international acts, such as the Universal Declaration of Human Rights (1948), the International Convention on the Prevention and Punishment of the Crime of Genocide (1949), the International Covenant on Civil

and Political Rights (1976), the International Covenant on Economic, Social and Cultural Rights (1976), and so forth. In other words, apartheid is a violation of the standards of behavior that have become a part of the world's sense of justice, as well as of the norms and principles of international law.

In a statement made by the Soviet government on August 30, 1985 it was stressed that "not curtailed, hypocritical 'reforms', but immediate and complete eradication of apartheid—this is the demand of the Soviet people, the demand of everyone who champions human rights and the freedom of nations not only in word, but in deed as well".

V. VIOLATION BY THE U.S.A. OF THE HELSINKI ACCORDS ON CONTACTS BETWEEN PERSONS AND ORGANIZATIONS

The American administration frequently impedes friendly contacts between representatives of different social systems, contacts that help build confidence between nations. This practice is in contradiction to the principles of inter-state relations laid down in the Final Act of the Conference on Security and Cooperation in Europe.

The U.S. ruling circles restrict the contacts of individual progressive leaders and public organizations, making use of both reactionary legislation and the broad authority of various departments controlling entry and exit into and out of the country. Often contacts are restricted indirectly, with no ban being imposed upon a particular form of communication. However, a person making contacts which the administration views as undesirable may incur considerable injury.

The basic tool used to restrict contacts between people is the American immigration law. Thus, the McCarran-Walter Act prohibits the entry into the U.S.A. of persons advocating economic, international or government doctrines of world communism or associating with people who advocate such ideas. This Act has been used on numerous occasions to prevent visits by Soviet trade-union delegations to the United States. The Passport Act of 1926 is one of the laws that directly

restricts the freedom of movement (Amendment of 1978). It empowers the Secretary of State to deny a person a passport or cancel a passport altogether in the event that the activities of this person abroad "are causing or are likely to cause serious damage to the national security or foreign policy of the United States". This stipulation, which in fact permits the government to restrict a person's right to travel freely for political considerations, was confirmed by the U.S. Supreme Court decision made in the "Haig vs. Agee" case in 1981. In the course of the court proceedings in this case it was stated that if it becomes known that a person applying for a passport has intentions of traveling to Salvador for the purposes of denouncing U.S. policy in this country, the passport can be denied.

The U.S. President can restrict travel abroad indirectly by banning foreign exchange transactions. This right can only be exercised in time of war or in the event of a "national calamity". Such restrictions are envisaged by the Trading with Enemy Act, the International Emergency Economic Powers Act and by execution directives issued in accordance with these acts.

Although it is possible under the American law to impose direct restrictions on travel abroad, legally, these restrictions can be introduced only in time of war, military operations or when the health or physical safety of American travelers is endangered.

In an article in *The New York Times* on April 20, 1982 about the ban on tourist and business trips to Cuba that has been imposed by the U.S. Department of Finance, it was asserted that this had been done to prevent Cuba from getting U.S. dollars from American tourists. The ban was in violation of existing legal norms: the U.S.A. and Cuba were not at war at the time and the safety of American tourists was not in jeopardy. Although the restrictions did not apply to scientists, journalists and persons having relations in Cuba, it affected the interests of quite a few Americans: about 16,000 Americans not having relations in Cuba had visited the country in the previous year of 1981.

To restrict contacts with citizens and public organiz-

ations from socialist countries, the U.S. administration makes use of the Internal Security Act inherited from the McCarthy era.

In April 1985, the U.S. State Department denied visas to a special tourist group of Soviet citizens, which included people working in industry, education, trade, medicine and the arts. Late in September 1985, the State Department denied entry into the U.S.A. to a group of Soviet workers who had been invited by the National Centre for Trade Union Action and Democracy and the editorial board of the newspaper *Labor Today*.

In February-March 1983, the State Department denied a visa to Hortensia Bussi de Allende, widow of former Chilean President Salvador Allende.

In December 1982, Cubans Florentino Cruz Miranda and Arnaldo Silva Leon were denied visas due to "security considerations". The two Cubans had received an invitation to attend the annual assembly of the American Philosophical Association, following a visit by Association members to Cuba.

Late in 1983, two more Cuban citizens were denied visas—Olga Finlay and Leonora Rodriguez. Olga Finlay, a lawyer and the author of a book on children's rights in Cuba, had since 1980 represented the Federation of Cuban Women in international organizations. Finlay had been invited to visit the U.S.A. to discuss problems of women and children, the Cuban Family Code and the rights of Cuban children. Leonora Rodriguez, foreign relations secretary of the Federation of Cuban Women, had been invited to the U.S.A. to discuss the rights of Black women in Cuba. On refusing to issue these women visas, the State Department made the following statement: "Their visit to the United States would have been prejudicial to the public interest by providing these two officials with forums for propagating Cuban politics before U.S. audiences."

Nino Pasti, Italian senator and former NATO general, was denied a visa to the United States in October 1983. He had been invited to the country to discuss the American policy on nuclear weapons and the problems of disarmament. His activities were labeled by the State

Department as "prejudicial to the public interest".

Between March 1982 and April 1983, Trevor Munroe, an eminent Jamaican scientist and politician, applied several times for an American visa to attend various scientific conferences. He had been invited to give lectures at Harvard and New York Universities, as well as at the University of Cincinnati on the occasion of the centenary of the death of Karl Marx. He was denied a visa due to his political affiliation, in compliance with Article 28 of the McCarran-Walter Act.

In June 1982, over 300 Japanese citizens were denied American visas and were thus unable to attend a U.N. conference on disarmament and a mass rally.

In December 1983, Tomas Borge, Nicaragua's Minister of the Interior, was invited to the United States by the Council on Foreign Relations (New York), Harvard University, John Hopkins University, as well as by a number of political and public figures. He was, however, denied a visa, for, according to the State Department, his activities were "not in the public interest". The State Department prevented a trip to the U.S. by Carlos Nunez, a Nicaraguan revolutionary leader, who had been planning to lead a delegation to the U.S. to study the American election system.

In 1985, U.S. immigration authorities denied entry into the United States to Canadian author Farley Mowat, an activist for environmental protection of the North, for preservation of the culture of the North American aborigenes and for protection of their rights.

An example of the American administration's tendency to violate the Helsinki accords on free contacts is the decision on the deportation of Margaret Randall, a writer, poet and college professor in New Mexico. The deportation came as punishment for her progressive political views. Eminent writers and playwrights, such as Kurt Vonnegut, William Styron, Norman Mailer, Arthur Miller, sharply criticized the decision. They brought the matter to court, demanding that the decision to deport Randall be overturned.

Hanna Polevaya, a professor of children's psychology at the University of British Columbia, Vancouver, Cana-

da, and the first foreigner to be awarded the Makarenko medal for promotion of pedagogical knowledge, was also denied a U.S. visa. She has been threatened with a $10,000 fine or one-year imprisonment for unauthorized entry into the country. Many progressive figures have found themselves in a similar situation in the past: author Gabriel Garcia Marquez, poet Mahmoud Darwiche, Mexican novelist Carlos Fuentes and Japanese writer Kobo Abe.

The practice of denying entry visas for political reasons to hundreds of foreigners and that of restricting the travel of American citizens abroad is deeply rooted in the system of the U.S. immigration agencies and the State Department. This practice directly contradicts the U.S. commitment under the Helsinki Final Act to promote contacts between persons and organizations. This stance of the U.S. authorities does not only point to the intolerance of dissidence in the country, but for all practical purposes limits political rights and civil freedoms in the U.S.A.

CONCLUSION

As we have shown, there are two main lines in the violation of basic human rights in the capitalist world. One line involves the use of reactionary law, i.e. legal restraint of constitutional rights and freedoms. This is an attempt to legalize the arbitrary actions of the authorities. The other line involves the encouragement of repressive measures by the police and the courts, as well as the use of unlawful methods of terror and violence.

All this is an open violation of bourgeois legality and is leading to the dismantling of the traditional institutions of bourgeois democracy.

Experience has clearly shown that in today's capitalist system the official law and political institutions concerned with the basic rights and freedoms of citizens are becoming increasingly disfigured as the crisis of that system worsens.

The escalation of the arms race and the cutbacks on social programs inevitably lead to a growth in the chronic mass unemployment, to aggravation of social inequality and discrimination, to the emergence of an army of "new poor" and homeless.

The real state of affairs as regards the rights and freedoms of citizens in the industrialized capitalist countries runs counter to the international norms that have been laid down in international covenants on human rights. Meanwhile, when it comes to human rights issues, the official circles in those countries, above all in the U.S., assume the role of an accuser or a judge in respect to the socialist states, although they have no moral right or legal grounds to do so. Their claims to the role of umpire are dictated by their ambitions to interfere in the internal affairs of other countries and nations, to dictate orders to such countries and to use punitive sanctions. At the same time, by inflating the issue of human rights in the socialist countries, the ruling circles in the West are trying to divert world opinion not only from the violations of human rights in the West, but also from such crucial problems as that of ending the arms race and eliminating nuclear weapons.

The task of ensuring that human rights are observed throughout the world is connected to a very large degree to the task of ending the arms race, reducing excessive military budgets, and reallocating these funds to solve the urgent economic and social problems.

Today it has become especially clear that only by establishing a comprehensive system of international security and peace will the world be able to eliminate the danger threatening the most essential human right—the right to live, without which all other rights are null and void.

ПРАВА ЧЕЛОВЕКА В МИРЕ КАПИТАЛА

на английском языке

Цена 30 к.

HUMAN RIGHTS IN THE CAPITALIST WORLD